

GUIDE
For
ADDITIONS,
ABANDONMENTS, AND DISCONTINUANCES

Secondary System of State Highways



**GUIDE
for
ADDITIONS,
ABANDONMENTS, AND DISCONTINUANCES**

Secondary System of State Highways

VIRGINIA DEPARTMENT OF TRANSPORTATION
SECONDARY ROADS DIVISION

Memorandum SR-50-93

Richmond, Virginia

February 1, 1993

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Fourth Printing – June 2002

Foreword on the Fourth Printing

The fourth printing of this reference involved a conversion of the prior document to Microsoft Word format. Also, the original document of the Guide to Additions, Abandonments, and Discontinuances consisted of a primary DOS word processing document and several insertable sheets depicting charts, tables, forms, and illustrations that were produced with other software applications.

As a result of this conversion, some of the previous format could not be retained, but the desktop publishing capabilities afforded by Microsoft Word, as well as enhanced capabilities to developed charts and illustrations, allowed the fourth printing to be based on a single document file. In addition, this document is now available on the VDOT intranet as an Adobe Acrobat file.

Changes in the fourth printing are minimal and are principally focused on error correction. Development of the Database for Administering Changes to the Secondary System (DACSS) improved on the forms that are retained in this document. While use of the DACSS application is strongly encouraged, the forms in this reference remain acceptable for documenting changes to the secondary system. Conincidental with DACSS development, a fundamental correction in the descriptions of street addition termini brought the documentation process in line with the link-node concept of descriptions used by the Department's Highway Inventory and Traffic Records System (HTRIS).



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219

RAY D. PETHTEL
COMMISSIONER

GERALD E. FISHER
STATE SECONDARY ROADS ENGINEER

February 1, 1993

MEMORANDUM

**TO: District Administrators
Resident Engineers**

**RE: Secondary Roads Memorandum SR-50-93:
Guide for Additions, Abandonments, and
Discontinuances - Secondary System**

This guide was prepared by the Secondary Roads Division to serve as a reference for Virginia Department of Transportation (VDOT) personnel throughout the Commonwealth who are called upon to handle additions, abandonments, and discontinuances of secondary roads in Virginia's counties. Its creation was a major effort to bring together many statutes and Commonwealth Transportation Board policies, with a few attorneys general and court interpretations. No Policy changes are included in this guide.

While there may be some information of value to persons outside of VDOT, this document is intended primarily to guide the VDOT user through the administrative procedures to accomplish three major categories of changes to the secondary system:

1. **Additions** to the system of
 - **New subdivision streets** (this guide supplements VDOT's Subdivision Street Requirements).
 - **Rural additions** governed by the Rural Addition Policy of the CTB and § 33.1-72.1, Code of Virginia
 - **School bus roads**, and
 - **Streets in towns** under 3,500 population
2. **Abandonments**
3. **Discontinuances**

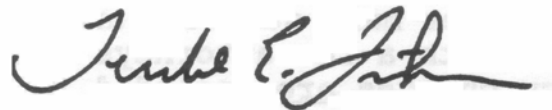
An additional category, using some or all three of the above, is:

4. **Adjustments due to Road Relocation**

Current policies and statutes are presented in a way intended to explain them better. Decision trees, flow charts, and administrative process charts guide users through the steps to make changes to the system. Also included are sample resolutions for Boards of Supervisors, surety forms, standard agreements for crossings of dams, standard agreements for stormwater management, standard quitclaim deeds, updated submission forms, and reprints of policies and selected statutes from the Code of Virginia.

The greatest contributions to creating this document were made by Messrs. Kenneth M. Smith, David L. Camper, and James S. Givens, who have my sincere gratitude for a job well done. Also thanked are those district administrators and resident engineers who contributed substantially to the process by reviewing the draft and sending their comments, which were enthusiastically incorporated. Messrs. James S. Hayes and Donald A. Lahy, Office of the Attorney General, were very helpful in reviewing the guide and suggesting improvements.

All readers are invited to forward written comments for improvement of the guide to this office, for future revision.



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1.0 Additions to the Secondary System of State Highways

"The control, supervision, management and jurisdiction over the secondary system of state highways shall be vested in the Department of Transportation and the maintenance and improvement, including construction and reconstruction, of such secondary system of state highways shall be by the Commonwealth under the supervision of the Commonwealth Transportation Commissioner." - §33.1-69, Code of Virginia, 1950 as amended.

Prior to enactment of legislation known as the Byrd Act, there was no "secondary system of state highways." Local public roads existed under the jurisdiction of the local governing body, the Board of Supervisors in each county. The Byrd Act gave the counties the opportunity to transfer jurisdiction over their local public road system to the Commonwealth under the purview of the Virginia Department of Transportation. Currently, only Arlington and Henrico Counties manage their own system of local roads.

Within the counties, certain public roads exist that are not a part of the secondary system of state highways until their addition is petitioned by the Board of Supervisors and they are formally accepted by the Commissioner.

There is a distinction between a "public road" and "the secondary system of state highways." To avoid confusion between these similar terms, this guide will occasionally use the term "County Road" to mean public roads that have not been added to either the primary system or the secondary system of state highways.

Additions to the secondary system of state highways generally result from:

- Development - These streets are usually the result of a subdivision of land and must meet prerequisites established by the Subdivision Street Requirements, which constitutes a regulation of the Commonwealth. The addition of streets as a result of development are discussed in this guide as "New Subdivision Streets." Streets that result from development under the Recreational Access, Industrial Access and Airport Access programs are subject to additional prerequisites that are set forth in other documents specific to the individual access program. Procedures for the addition of such streets vary from those outlined for subdivision streets only in that a formal resolution from the local governing body typically precedes construction and requests the addition of the street upon completion.
- Rural Additions - Streets added under this category of additions exist as a result of past development which either could not be or were not proposed to be accepted as a part of the secondary system of state highways. In many cases, such streets were constructed for reasons other than development and did not qualify for acceptance by the state. However, as a result of increased public service, the streets meet prerequisites for addition to the secondary system of state highways and improvement at public expense.
- School Roads - More specifically, roads that lead from state highways, either primary or secondary, to public schools in the counties of the Commonwealth to which school buses are operated, and which are on school property, constitute portions of the secondary system of state highways.
- Streets in Towns (Population under 3,500) - Additions of 'town' streets to the secondary system of state highways, except in those towns operating under §33.1-41.1.
- Miscellaneous additions to the secondary system of state highways (e.g., those that occur as a result of road relocation projects) are frequently accompanied by acts of discontinuance and abandonment. These miscellaneous additions and related changes to the system are discussed separately under "Project Adjustments to the Secondary System."

An Eligibility Chart that applies to most additions to the secondary system of state highways is provided to guide users through considerations and prerequisites that must be satisfied in order to make an addition to the secondary system of state highways. It is accompanied by an Administrative Actions Chart that identifies steps in the process that various offices perform in processing an addition.

Following these charts are subsections for each of the categories of additions noted above. Each section includes 'guide' documents that relate to the specific type of addition and suggested wording for resolutions seeking an addition. These resolutions include appropriate references to sections of the code and various agreements and situations that are properly cited in such resolutions.

1.0.1 General Provisions Regarding Termini

Changes to the system apply to the full limits of the right-of-way, based upon the centerline length of the roadway measured between readily distinguishable termini identifiable in the field. Section or boundary lines, established and shown only on plats, are not adequate.

Changes must be based upon the Department's current maintenance log and concurrent with termini descriptions of previous changes. Common termini references include:

- Intersecting centerlines of roads.
- The existing end of state maintenance referenced from the nearest intersection.
- The physical end of a dead end roadway referenced from the nearest intersection.

Stub streets, whose primary purpose is intended to facilitate continuity with adjoining future development, may constitute acceptable additions. However, if future development forecloses the use of these connections, the portion that does not provide public service should be abandoned by the local governing body, or else discontinued under the powers reserved for the CTB. Provisions for an adequate turnaround must be provided.

Turnarounds warrant special considerations because of extra right of way required and the manner in which the title to the underlying fee is held, especially when the turnaround is a temporary facility.

Additions and Changes at Turnarounds

The nature of the right of way and the permanency of the turnaround has a direct bearing on the reference points of the addition. If the turnaround is permanent, following an extension of the street, formal action of the Board of Supervisors (BOS) may required to address property rights to portions of the turnaround (shaded area) situated outside of the normal right of way limits of the street.

Permanent Turnarounds:

The length of the addition should be measured to Point E.

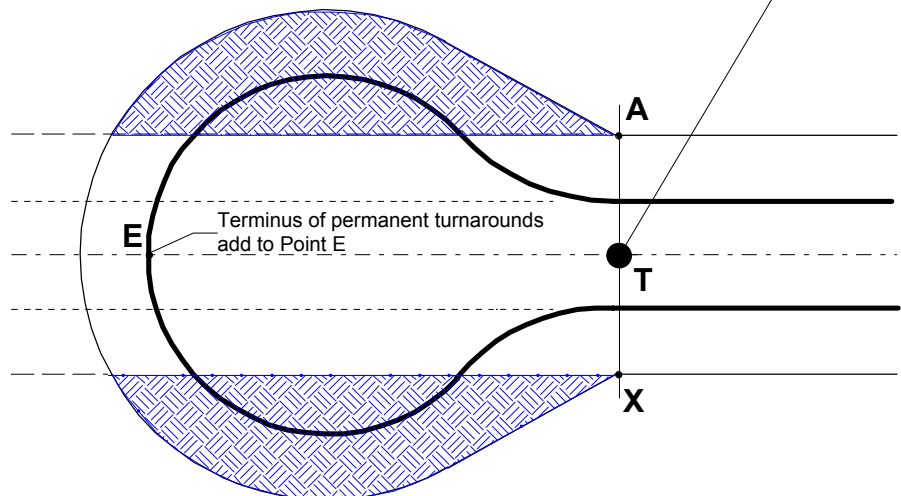
Temporary Turnarounds:

It is desirable for the shaded area on each side to be recorded as a temporary easement, to avoid compounding a future addition extending the street and potentially avoiding the need for subsequent formal transfer of property rights for the shaded areas to abutting land owners.

If the entire turnaround is recorded as a temporary easement, the addition terminus is Point T.

If the entire turnaround is recorded as "dedicated" for public street purposes, the shaded area, if conveyed, must be treated as surplus right of way at such time as the street is extended. Right of way professionals are properly involved in its disposition. Additional action by the LGB, not involving the Department, may be required.

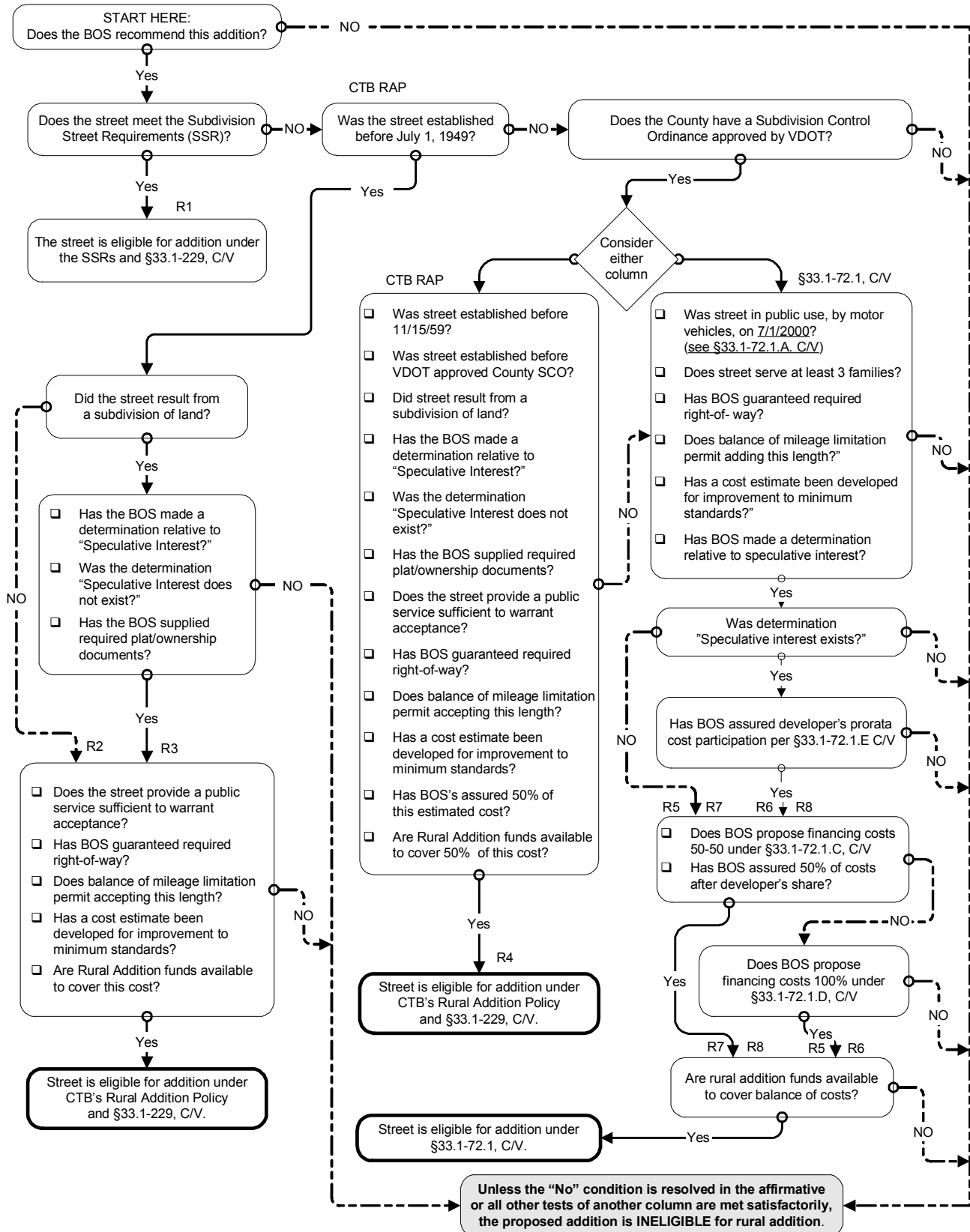
Point T, terminus for temporary turnarounds or for the abandonment and addition required when the road is extended. Locate Point T on or before (to the right of) line AX, defined by the break in right-of-way lines.



If turnaround is recorded as a permanent facility and subsequently extended, the roadway must be abandoned between points E and T in order to free the shaded areas for consolidation with the abutting property. If recorded as a temporary easement for turnaround purposes, the easement is extinguished when the road is extended and no further action is required.

ELIGIBILITY GUIDE FOR CERTAIN ADDITIONS TO THE SECONDARY SYSTEM

All answers within the current block must be answered "Yes" to advance to the next block on the Yes path. Exit the current block on the No path if any answer is "No." Reference to guide resolutions are noted 'R1-R8.' §33.1-72.1 and §33.1-229 are references to the Code of Virginia (C/V), 1950, as amended.



Administrative Actions for Additions to the Secondary System

INITIATING OR RESPONSIBLE PARTY	TYPE OF STREET ADDITION AND RELATED STATUTE, CODE OF VA			
	New Constr/Subdiv Sec. 33.1-229*	Addition & Implement of Street Under/As		
		RAP § 33.1-229	Rural Addition §33.1-72.1	School Bus Access Sec. 33.1-68
School Board petitions Board of Supervisors for addition	NA	NA	NA	Required
Board at Supervisors requests VDOT to make addition	Certified copy of resolution required for all additions.			
Resident Engineer coordinates processing of any agreements required between County and State through Secondary Roads Division and prepares addition assembly for submission to the Secondary Roads Division, consisting of the following:	Actions apply to all Additions			
Certified copy of the BOS's resolution.	Required in all cases.			
Completed Form SR-3	NA	Required	Required	NA
Completed Forms SR-4, SR-5 and T&S-5	Required in all cases.			
Surety and Maintenance Fees	As Required	NA	NA	NA
Supporting map and sketches of the additions	Required in all cases.			
Payment of all voluntary or required participation	NA	As Required	As Required	NA
Supporting correspondence and/or information	As Appropriate			
Secondary Roads Division <ul style="list-style-type: none"> Reviews assembly & processes it for action by Commissioner Forwards mapping information to Traffic Engineering Division Advises BOS and VDOT staff of Commissioner's action Prepares resolution and monthly report for affirmation by CTB 	Actions apply to all Additions			
Commonwealth Transportation Board affirms Commissioner's action,	Actions apply to all Additions			

* Statutory authority for the Subdivision Street Requirements, governing addition of such roads, includes §§ 33.1-12 and 33.1-69, Code of Virginia, as amended.

General Notes:

- Right of Way must be dedicated for public use and guaranteed by resolution of the BOS.
- Prescribed geometric design and public service requirements must be met.
- For Subdivision Street Additions
 - Street must be completed in accordance with approved plans at no cost to VDOT administered funds.
 - Plans, specifications, standards and construction must have met approval of the Resident Engineer for the Department.
 - The street must have been properly maintained since completion and any required maintenance fees and performance surety provided.
- For Rural Additions (under either RAP or Sec. 33.1-72.1)
 - Mileage limitation balance may not be exceeded by the addition's length.
 - All voluntary or prescribed contribution of funds from sources outside of VDOT must be assured by BOS.
 - Sufficient VDOT administered rural addition funds must be currently available to complete improvements.
- For Streets to Public Schools
 - Street must lead from a state maintained highway to a public school and is required for the normal operation of school buses.
 - Construction must be completed and financed from sources not administered by VDOT.
 - Construction must satisfy standards appropriate for anticipated traffic. (Geometric and pavement structure designs cited in the SSR may be used.)
 - Certified copies of formal resolutions by the School Board and the Board of Supervisors requesting the addition is required and must include a guarantee of the necessary right of way (30 ft. min.) plus necessary drainage easements, and description of the addition. A sketch of the addition, depicting the relationship of the addition and other school facilities is also required.
 - Examples of school related roadway facilities ineligible for addition to the secondary system under § 33.1-68:
 - Parking areas and appurtenances.
 - The authority of local school officials to barricade and/or otherwise regulate traffic on school property has been confirmed. Therefore, streets serving as the principal access to sites other than public schools or providing a primary service other than normal school bus access are Ineligible for addition under Sec. 33.1-68.
 - Streets within cities or towns operating under Section 33.1-41.1 of the Code of Virginia.
 - Streets whose primary function is other than providing access for school buses.

1.1 New Subdivision Streets

New Streets that are a result of development must meet prerequisites established by the Subdivision Street Requirements (SSR). The Subdivision Street Requirements were adopted under §33.1-12(3) and §9-6.14:1 (the Administrative Process Act) and are therefore a regulation of the Commonwealth of Virginia. Those requirements are fully incorporated herein by reference.

The Subdivision Street Requirements shall govern in the event of conflict between those requirements and contents of this guide without regard to the date of publication of either document.

1.1.1 Management Aids for the Addition of New Subdivision Streets

Management aids in this section support the SSRs and include:

- Sample Resolution, R1
- Form SR-5(A), which supplements sample resolution R1
- Discussion of surety and maintenance fee concerns
- Sample format for a Letter of Credit
- An escrow agreement form, approved by the Attorney General's Office
- A performance bond form, approved by the Attorney General's Office.
- County-State Agreements approved by the Attorney General's Office for
 - (a) stormwater detention, and
 - (b) crossings of impoundment dams.
- Quitclaim Deeds for electric power distribution and transmission lines, approved by the Attorney General's Office.
- A reprint of the Commonwealth Transportation Board's Policy Resolution Regarding Pipelines in Subdivisions.

Sample Resolution R1 - Addition of New Subdivision Streets

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of _____ County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

(Note: Use one paragraph for each applicable situation cited in the following 'Whereas' provision. Delete the following paragraph (s) when not applicable.)

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on (date) for (comprehensive stormwater detention) *(stormwater detention inSubdivision)* *(the crossing of one or more extrinsic structures)* *(the crossing of a dam)* which applies to this request for addition,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to (check one only) ☐ Board of Supervisors Resolution ☐ Surety Instrument

Dated: _____

Attachment _____ of _____

Name of Subdivision: _____

County _____

Ref. No.	Name of Street	Street Addition Termini	R-O-W Width (ft)	Miscellaneous Notes	Addition Length Centerline Miles
1		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
2		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
3		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
4		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
5		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
6		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
7		From:			
		To:			
		Plat Recorded Date: Deed Book: Page:			
Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.					Total Mileage

CERTIFICATION OF ATTACHMENT
This attachment is certified as a part of the document indicated above:
(Name and Title)

[Page Intentionally Blank]

1.1.2 Maintenance Fees and Surety

Maintenance Fees are a contribution to the normal maintenance costs associated with new streets for the remaining balance of the fiscal year in which they are added. Maintenance fees may be waived only by the Secondary Roads Engineer upon demonstration of extenuating circumstances as set forth in the Subdivision Street Requirements.

Surety is a means whereby the Department can recover costs incurred to correct defects resulting from faulty workmanship or materials in a street or road built by others. Several types of surety are acceptable. Those most frequently provided by developers are:

- Letter of Credit
- Performance Bond
- Escrow Account
- Cash Bond (identify in the additions assembly the account in which a cash bond is deposited.)

This section includes approved formats for letters of credit, performance bonds and escrow agreements. Descriptions of proposed additions within the body of such documents may be replaced by appropriately incorporating Form SR-5(A) as an attachment or by supplementing the document with an attachment providing similar information. Such attachments should be signed by the surety agent.

Surety Guidelines for Subdivision Street Additions

Institutions that issue letters of credit may use language it prefers in lieu of that in the following sample. However, the following information is required of all surety instruments:

- Identification of the county, subdivision and street(s) covered by the surety
- Name and address of the Department as beneficiary
- Name and address of the institution issuing the surety
- Name and address of the developer
- Amount of the surety – The minimum the amount of credit must equal the values set forth in the Subdivision Street Requirements.
- A citation of the terms under which a draw will be honored
- The dates the surety becomes operative and expires – Dates of expiration on surety instruments should be one (1) year after the date the Resident Engineer signs Form SR-5.

To minimize difficulties associated with surety expiration dates, developers should not be asked for the maintenance fee and surety until all other documents required to complete the addition assembly are on file and ready for submission to Secondary Roads Division for final processing.

Sample Letter of Credit

The following sample letter of credit may be used as a general guide.

Irrevocable Letter of Credit (for Subdivision Street Additions)

Beneficiary: Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Developer: _____
Address : _____
Issuing Bank: _____
Address: _____

Bank Number: _____

Letter of Credit No.: _____
Amount : \$ _____

Date Issued _____
Expiration Date: _____

We hereby open this letter of credit for the captioned Developer in favor of the Virginia Department of Transportation in the sum of _____ US Dollars (\$_____.00) available by your sight draft accompanied by a statement signed by the Resident Engineer or his representative bearing the clause "Drawn under *Institution's Name and Address, Letter of Credit No. _____ dated _____.*" And state that the draw is for the specific purpose of recovering all loss, cost, damage or expense incurred to correct faulty workmanship or materials associated with the construction of one or more of the following road(s) and/or related drainage facilities:

County: _____
Subdivision: _____

Street Name:	_____	
From:	_____	To: _____
Street Name:	_____	
From:	_____	To: _____
Street Name:	_____	
From:	_____	To: _____

We hereby engage with you that drafts in compliance with these terms shall be duly honored. This letter of credit becomes operative and will expire at our counters on the dates first written above. Except as expressly stated herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication No. 400.

(Authorized Signature)

(SEAL)

(Printed (Name))

(Title)

Attest

ESCROW AGREEMENT

A Surety for Subdivision Street Additions to the Secondary System

THIS AGREEMENT, made this _____ day of _____, _____, by and between _____ hereinafter called the "Developer", party of the first part, and _____, hereinafter called "Trustee", party of the second part, and the Virginia Department of Transportation, hereinafter called the Commonwealth", party of the third part.

WITNESS:

WHEREAS, a subdivision named _____ is shown on a plat recorded in the Office of the Clerk of the Circuit Court of _____ County, Virginia, in Deed Book _____ at Page _____ within which Developer constructed one or more streets; and,

WHEREAS, the Developer is required to give a bond against any defects in workmanship and/or materials used in the construction of the streets in the above subdivision for a period of one (1) year following the date said streets are accepted as part of State System of State Highways by the Commonwealth; and,

WHEREAS, in lieu of said bond, the Commonwealth has agreed to permit the Developer to place the sum of _____ DOLLARS (\$ _____) in escrow for said time period to cover the cost of correcting any such defects in the streets fully described herein.

NOW, THEREFORE, for and in consideration of the foregoing premises and the following terms and conditions, the parties hereto agree as follows:

1 Developer has deposited with Trustee, and Trustee by the execution hereof acknowledges that he holds the above listed sum under the terms of this agreement.

2 Trustee shall immediately place and maintain the above listed sum with _____ (bank, savings and loan, etc.) in an interest bearing account conditioned to allow withdrawal of all or part of the funds by the Trustee at any time without penalty, until , _____, _____ (one (1) year following the date the street(s) is/are accepted as part of the secondary system of state highways).

3 In the event the Commonwealth, in her sole discretion, deems it necessary to perform any work, including labor, use of equipment, or materials to correct defects in workmanship and/or materials used by the Developer in the construction of said streets within the one (1) year period, either by its own forces or by contract, Trustee shall disburse to the Commonwealth within five (5) days of receipt of written demand, as may be supported by invoice attached thereto, such sum or sums for such work from the amount stated above.

4 One (1) year after the date of accepting the above mentioned road into the Secondary System by the Commonwealth, the Trustee shall pay any sum remaining in said account to the Developer; thereupon, this escrow agreement shall terminate.

The streets described on the attached Additions Form SR-5(A), which is hereby incorporated as a part hereof, are included under this escrow agreement.

Witness the following signatures and seals:

ATTEST

Developer

(Date)

ATTEST

Trustee

(Date)

Commonwealth of Virginia Department of Transportation

ATTEST

Commissioner

(Date)

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, "Developer", party of the first
part, acknowledged the foregoing instrument before me this

_____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, "Trustee", party of the second
part, acknowledged the foregoing instrument before me this

_____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, "Commisioner", party of the
third part, acknowledged the foregoing instrument before me this

_____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

**PERFORMANCE BOND
FOR SUBDIVISION STREET ADDITIONS TO THE
SECONDARY SYSTEM**

KNOWN ALL MEN BY THESE PRESENTS, That we _____
Principal, and _____, a corporation duly incorporated under the laws of
the State of _____ surety, are held and firmly bound unto the
Commonwealth of Virginia in the **full** and just sum of _____ Dollars
(\$ _____), current money of the United States, to be paid to the said Commonwealth of
Virginia, to the payment thereof we hereby bind ourselves and each of us, our and each of our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents, sealed with our seals
and dated this _____ day of _____, _____.

WHEREAS, the Principal has constructed, and the Commonwealth, acting through the Department of
Transportation, has accepted or is about to accept, for inclusion into the State Secondary System the street(s)
listed below:

NOW, THEREFORE, The condition of this obligation is such that if the Principal shall indemnify and
save harmless the Commonwealth of Virginia for a period of one year, from _____,
_____, from all loss, cost, damage or expense incurred in the repair of said streets, and the drainage facilities
pertaining to said streets and to persons and property lawfully on such streets occasioned by defective
materials and/or workmanship, then this obligation to be void; otherwise, remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and
their seals affixed the day and year first above written.

Witness

(Principal)

By: _____ (Seal)

(Typed or Printed (Name))

(Address)

Countersigned:

(Surety)

By: _____ (Seal)
(Attorney-in-Fact)

Resident Virginia Agent

Note: An original copy of all pages is to be filed with the Department of Transportation.

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF _____

_____ of _____, to wit:

I, _____, a notary public in and for the
_____ aforesaid, in the state aforesaid, do certify that

_____ of _____,

(Name and Title of Authorized Signee) personally appeared before me and acknowledged the above bond
bearing the date of _____, _____.

My term office expires _____, _____. Given under my hand this
_____ day of _____, _____.

NOTARY PUBLIC

AFFIDAVIT AND ACKNOWLEDGEMENT OF SURETY

STATE OF _____

_____ of _____, to wit:

I, _____, a notary public in and for the
_____ aforesaid, in the state aforesaid, do certify that

_____ of _____,

(Name and Title of Authorized Signee) personally appeared before me and made oath that he is the
_____ (Title) of the _____,

(Name of Surety), that he is duly authorized to execute the foregoing bond by virtue of a certain power of
attorney of said company, date _____, _____, and recorded in the
Clerk's Office of the _____ of _____,

Dead Book No: _____, page _____, that said power of attorney has not been revoked; that the said
company has complied with all the requirements of law regulating the admission of such companies to transact
business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance
authorizing it to do business of the State of Virginia; that it has a paid-up cash capital of not less than \$250,000;
that the paid-up capital, plus the surplus and undivided profits of said company, is \$ _____
that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company
is not by said bond incurring in the aggregate, on behalf or on account to the principal names in said bond,
a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits;
that the said company is solvent and fully able to meet promptly all its obligations, and the said
_____ thereupon, in the name and on behalf of the said company,
acknowledged the foregoing writing as its act and deed.

My term office expires _____, _____. Given under my hand this
_____ day of _____, _____.

Notary Public

1.1.3 County - State Agreements

Standard agreements for stormwater detention/retention and the crossings of dams are included in this section. These agreements are approved as guide documents only. Each application will be considered on an individual basis. Final approval with the Attorney General's Office will be coordinated by the Secondary Roads Division. Agreements are to be submitted to the Secondary Roads Division for final review, approval and execution before the related addition assembly is submitted.

When an addition crosses an extrinsic structure situated within the right of way, the execution of an appropriate county-state agreement is required that addresses the responsibilities of inspection, maintenance and liabilities that may be associated with the structure. VDOT discourages the installation of such structures but recognizes certain amenities may be afforded future development. The resident engineer should consult the Secondary Roads Division to determine requirements for an agreement prior to approving proposed development plans. The paramount provision in any resulting agreement is for the county to assume all liabilities and costs associated with the structure's existence, maintenance, and safety inspection consistent with the practices of the Department.

Stormwater Detention

Section 2.1 (F) of the Subdivision Street Requirements requires an agreement from the local governing body absolving the Department from all liability for stormwater detention/retention facilities that receive runoff from new subdivision streets.

The stormwater management agreements contained in this manual were developed with input from several counties. Two agreements are included; one for specific subdivisions and a comprehensive agreement intended as a county-wide agreement to relieve the need for subsequent agreements. Existence of a comprehensive agreement should be referenced in each resolution requesting the addition of a street.

Crossings of Dams and Extrinsic Structures

The Department does not perform periodic inspections of dams. It does not accept them as part of the secondary system of state highways nor does it accept the responsibilities and liabilities as owner. Dedication of right of way specifically to the Commonwealth of Virginia that includes a dam is not acceptable to the Department.

Structures that cross over or beneath a road are considered extrinsic structures when they provide a service beyond that needed to meet the existing essential and immediate needs of the transportation facility. Such structures are not accepted as part of the secondary system of state highways.

The Department does not recognize a developer, or a civic or home owners association, as having sufficient resources or longevity to sustain the responsibilities associated with dams and extrinsic structures. The Department looks to the county that approved the development plan including the dam or the extrinsic structure as the responsible owner.

An agreement with the county, consistent with the samples included in this section, is required prior to the addition of a street that crosses a dam or extrinsic structure.

STORMWATER DETENTION AGREEMENT FOR SUBDIVISION _____

THIS AGREEMENT, made this ____ day of _____, _____ between the Board of Supervisors of _____ (the "County"), party of the first part, and the Commonwealth of Virginia, Department of Transportation ("VDOT"), party of the second part, for the purpose of satisfying Section 2.1 (F) of the Subdivision Street Requirements for the addition of subdivision streets made after this date throughout the County.

RECITALS

R-1 The County has approved, or anticipates approval of, certain plans for a subdivision, named _____, the streets of which are intended for acceptance into the Secondary System of State Highways.

R-2 Included in said subdivision are certain easements and rights of way for the purpose of constructing, operating and maintaining present or future stormwater drainage facilities including necessary inlet structures and other pertinent facilities for removing water from said streets.

R-3 As a prerequisite for accepting any subdivision street into the Secondary System of State Highways, an adequate and acceptable method for transporting stormwater runoff from said street to a natural water course is required.

R-4 Pursuant to Section 2.1 (F)(4) of the Subdivision Street Requirements, when detention provisions are incorporated into stormwater drainage facilities, "an acceptable agreement from the local government is required which absolves the Department from any responsibility or liability for the detention facility" before such streets are accepted as part of the Secondary System of State Highways. "Stormwater detention facilities" as used in this agreement shall be limited to detention/retention facilities outside of the right of way dedicated to public use purposes for streets to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, in consideration of the premises, the mutual covenants stated herein, and other good and valuable consideration the receipt and sufficiency of which is acknowledged by all parties hereto, the parties hereto agree as follows:

1. The County agrees that VDOT has no maintenance, upkeep and/or repair responsibility or liability for these stormwater detention facilities except in cases of physical damage resulting from road construction projects administered by VDOT. This Agreement does not relieve the parties thereto of their rights and obligations pursuant to Stormwater Management Regulations VR215-02-00 et seq. and related state regulations as amended or modified from time to time. Further, the County agrees not to hold VDOT liable for damages resulting from the County's failure to enforce County ordinances and regulations relating to stormwater flow.

2. The County will not seek indemnification or contribution from VDOT to correct damages arising from improper maintenance or construction of these stormwater detention facilities.

3. Upon the County's request, VDOT will cooperate with the County in a reasonable manner to assist in the denial, settlement and/or litigation of claims for damages from the operation and maintenance of these stormwater detention facilities.

4. The parties expressly do not intend by execution of this Agreement to create in the public, or any member thereof, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit

for any damages pursuant to the terms or provisions of this Agreement. In addition the parties understand and agree that this Agreement is not to be construed as an indemnification against third party claims.

5. VDOT agrees to recommend that the Commonwealth Transportation Board accept, as part of the Secondary System of State Highways, new subdivision streets which meet all provisions of the Subdivision Street Requirements.

6. The parties hereto agree that the provisions of this Agreement may be invoked by reference in any resolution of the County requesting any future addition to the Secondary System of Sate Highways.

Witness the following signatures and seals:

Approved as to form Board of Supervisors of _____

County Attorney By: _____
(Title) _____

Approved as to form COMMONWEALTH OF VIRGINIA DEPARTMENT OF
TRANSPORTATION
By: _____
Office of the Attorney General Commissioner

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, acknowledged the foregoing
instrument before me this _____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, "Commissioner", party of the second
part, acknowledged the foregoing instrument before me this _____ day of _____,
_____.

NOTARY PUBLIC
My commission expires:

COMPREHENSIVE STORMWATER DETENTION AGREEMENT

County of _____

THIS AGREEMENT, made this _____ day of _____, _____ between the Board of Supervisors of _____ (the "County"), party of the first part, and the Commonwealth of Virginia, Department of Transportation ("VDOT"), party of the second part, for the purpose of satisfying Section 2.1 (F) of the Subdivision Street Requirements for the addition of subdivision streets made after this date throughout the County.

RECITALS

R-1 The County has approved, or anticipates approval of, certain subdivision and site plans, the streets of which are intended for acceptance into the Secondary System of State Highways.

R-2 Certain easements and rights of way will be provided for the purpose of constructing, operating and maintaining present or future stormwater drainage facilities including necessary inlet structures and other pertinent facilities for removing water from said streets.

R-3 As a prerequisite for accepting any subdivision street into the Secondary System of State Highways, an adequate and acceptable method for transporting stormwater runoff from said street to a natural water course is required.

R-4 Pursuant to Section 2.1 (F)(4) of the Subdivision Street Requirements, when detention provisions are incorporated into stormwater drainage facilities "an acceptable agreement from the local government is required which absolves the Department from any responsibility or liability for the detention facility" before such streets are accepted as part of the Secondary System of State Highways. "Stormwater detention facilities" as used in this agreement shall be limited to detention/retention facilities outside of the right of way dedicated to public use purposes for streets to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, in consideration of the premises, the mutual covenants stated herein, and other good and valuable consideration the receipt and sufficiency of which is acknowledged by all parties hereto, the parties hereto agree as follows:

1. The County agrees that VDOT has no maintenance, upkeep and/or repair responsibility or liability for such stormwater detention facilities except in cases of physical damage resulting from road construction projects administered by VDOT. This Agreement does not relieve the parties thereto of their rights and obligations pursuant to Stormwater Management Regulations VR215-02-00 et seq. and related state regulations as amended or modified from time to time. Further, the County agrees not to hold VDOT liable for damages resulting from the County's failure to enforce County ordinances and regulations relating to stormwater flow.

2. The County will not seek indemnification or contribution from VDOT to correct damages arising from improper maintenance or construction of stormwater detention facilities.

3. Upon the County's request, VDOT will cooperate with the County in a reasonable manner to assist in the denial, settlement and/or litigation of claims for damages from the operation and maintenance of the stormwater detention facilities.

4. The parties expressly do not intend by execution of this Agreement to create in the public, or any member thereof, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit for any damages pursuant to the terms or provisions of this Agreement. In addition the parties understand and agree that this Agreement is not to be construed as an indemnification against third party claims.

5. VDOT agrees to recommend that the Commonwealth Transportation Board accept, as part of the Secondary System of State Highways, new subdivision streets which meet all provisions of the Subdivision Street Requirements.

6. The parties hereto agree that the provisions of this Agreement may be invoked by reference in any resolution of the County requesting any future addition to the Secondary System of State Highways.

Witness the following signatures and seals:

Approved as to form Board of Supervisors of _____

County Attorney

By: _____
(Title) _____

Approved as to form _____ COMMONWEALTH OF VIRGINIA DEPARTMENT OF
TRANSPORTATION
By: _____
Office of the Attorney General Commissioner

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, acknowledged the foregoing instrument before me this _____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, "Commissioner", party of the second part, acknowledged the foregoing instrument before me this _____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

COUNTY - STATE AGREEMENT FOR MAINTENANCE OF A ROAD OVER A DAM

THIS AGREEMENT FOR MAINTENANCE OF A ROAD OVER A DAM, made the ____ day of _____, ____ by and between _____ County, party of the first part (hereafter "County"); and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, party of the second part (hereafter "Department");

WHEREAS, the County approved plans for a subdivision that is shown on a plat entitled _____ which was recorded on _____ in plat book _____, page _____, in the Clerk's Office of the Circuit Court, a copy of which is incorporated herein as Exhibit A;

WHEREAS said plat shows areas dedicated to the public, including an area reserved for the construction of a dam, that will retain a body of water referred to as _____, and over which a road named _____ is to be or has been constructed;

WHEREAS, the road over the dam is the singular public route of access to real estate and improvements beyond the dam, the County has provided for an acceptable and perpetually maintained means of alternative access to said improvements in the event the road over the dam becomes impassable, as established in and by an attachment to this agreement entitled _____, which is incorporated herein by reference, which arrangements may expire at such time said properties are otherwise connected to the State system of roads. ***(Delete paragraph if another access exists that is state maintained and does not cross a dam.)***

WHEREAS, in accordance with the Code of Virginia, Section 15.1-478, recording the described plat transfers to the County, in fee simple, all portions set apart for streets, alleys, and areas for public use; and

WHEREAS, the County will petition the Department to maintain the roadway crossing the dam as a part of the Secondary System of State Highways.

NOW, THEREFORE, THIS AGREEMENT FOR MAINTENANCE

WITNESSETH:

In consideration of the acceptance of this Agreement by the parties hereto; and

In consideration of the County's request that the roadway over the dam be maintained as a part of the Secondary System of State Highways; and

In consideration of the Department's acceptance of responsibility to maintain the roadway facility (as defined herein) over the dam;

The parties hereto agree:

1. The roadway facility constructed over the dam is defined as the pavement base and surface courses, the shoulders, the roadway drainage facilities and the guard rails.
2. The County agrees that the Department will have all rights necessary to maintain the roadway, including access to the dam and surrounding areas.
3. The County agrees the Department has no obligation to maintain, repair or replace the dam, and no liability for damages resulting from the dam or its failure and agrees it will not seek indemnification or contribution from VDOT to correct any damages arising from improper maintenance or construction of the dam.
4. The County agrees that the expenditure of State funds to maintain the roadway shall not obligate the State to maintain or reconstruct the dam or to correct any damages caused by the dam or its failure.
5. The County agrees to notify the Resident Engineer for the Department, of any detrimental condition associated with the dam reported by any source, and of the plans, schedule and parties responsible for correcting of the condition.
6. The County agrees that all work to the dam will be conducted in a manner that minimizes interference with the flow of traffic and the rights of the Department.
7. The County agrees that drainage of water from the roadway to the lake, and other areas not specifically named herein, is an element of maintaining the roadway and damages resulting from that drainage shall not obligate the State in any way.
8. By executing this Agreement, the County certifies that it has reviewed and filed the plans and specifications for the dam, including appurtenances, and that the design conforms to prevailing engineering principles applicable to the design of dams.
9. By executing this Agreement, the County certifies that the construction of the dam and its appurtenances, have been inspected by or for the County, and that the construction fully complies with the approved plans and specifications.

DEED OF QUITCLAIM

FOR DISTRIBUTION POWER LINES (Capacity less than 69 kilovolts)

THIS DEED OF QUITCLAIM, made and entered into on this _____ day of _____, _____ by and between _____ a Virginia corporation, GRANTOR and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of one dollar (\$1 .00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby quitclaim and release to the GRANTEE, subject to the reservations hereinafter set forth, the easement of right of way to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace an electric power line or lines and communication lines between Grantor's Pole No. _____ and Pole No. _____, located in the _____ Magisterial District of _____ County, Virginia, insofar and insofar only as the land embraced within said easement falls within the boundaries of (insert street name or number) _____ to be maintained by the Virginia Department of Transportation.

The GRANTOR reserves unto itself, its successors and assigns all of the rights and privileges under the Right of Way Easement by and between _____ and dated the _____ day of _____, _____ and recorded in the clerk's office of the Circuit Court of _____ County, Virginia, in Deed Book _____ at page _____, until such time as the Virginia Department of Transportation has issued a permit for such facilities to the GRANTOR and it is hereby agreed that the issuance thereof shall be subject to the following provisions and conditions which shall also be covenants running with the land under the terms of this instrument:

1 . That the Grantor's facilities located between Pole No. _____ and Pole No. _____ may continue to occupy such street or highway in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above released property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein mentioned under the aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned hereto by its appropriate officer, all after due authorization, on the day and year first above written.

(Name of power company)

By:

(Name officer)

(Title)

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, acknowledged the foregoing instrument before me
this _____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

DEED OF QUITCLAIM
FOR TRANSMISSION POWER LINES
(Capacity greater than 69 kilovolts)

THIS DEED OF QUITCLAIM, made and entered into on this _____ day of _____, _____ by and between _____ a Virginia corporation, GRANTOR and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of one dollar (\$1 .00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby quitclaim and release to the GRANTEE, subject to the reservations hereinafter set forth, the easement of right of way to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace an electric power line or lines and communication lines between Grantor's Pole No. _____ and Pole No. _____, located in the _____ Magisterial District of _____ County, Virginia, insofar and insofar only as the land embraced within said easement falls within the boundaries of (insert street name or number) _____ to be maintained by the Virginia Department of Transportation.

The GRANTOR reserves unto itself, its successors and assigns all of the rights and privileges under the Right of Way Easement by and between _____ and dated the _____ day of _____, _____ and recorded in the clerk's office of the Circuit Court of _____ County, Virginia, in Deed Book _____ at page _____, until such time as the Virginia Department of Transportation has issued a permit for such facilities to the GRANTOR and it is hereby agreed that the issuance thereof shall be subject to the following provisions and conditions which shall also be covenants running with the land under the terms of this instrument:

- 1 . That the Grantor's facilities located between Structure No. _____ and Structure No. _____ may continue to occupy such street or highway in the existing condition and location.
2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.
3. In the event GRANTEE shall hereafter require, for its purposes, that GRANTOR alter, change, adjust, or relocate the above mentioned electric power line or lines and communication lines, and its appurtenances, across or under such street or highway, the nonbetterment cost only of such alteration, change, adjustment, or relocation will be the responsibility of the GRANTEE.

The GRANTEE is to have and hold the above released property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein mentioned under the aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned hereto by its appropriate officer, all after due authorization, on the day and year first above written.

(Name of power company)

By: _____

(Name officer)

(Title)

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF _____, to wit:

(Name) _____, acknowledged the foregoing instrument before me
this _____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

CTB POLICY RESOLUTION REGARDING PIPELINES IN SUBDIVISIONS

(Adopted 1-18-68 by the Commonwealth Transportation Board (Transcribed 9/23/1992))

WHEREAS, this Commission adopted on November 19, 1964 a policy entitled "Policy Governing Gas or Petroleum Products Transmission Pipelines Through Subdivisions When Streets are to be Taken into the Secondary System of State Highways"; and

WHEREAS, it is felt that the above-noted policy adopted on November 19, 1964 is too restrictive and is in need of revision.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission, effective this date, rescinds the policy adopted by the State Highway Commission on November 19, 1964; and

BE IT FURTHER RESOLVED, that the State Highway Commission hereby adopts the following policy entitled 'Policy Governing Gas or Petroleum Products Transmission Pipelines Through Subdivision Streets When Streets are to be Taken into the Secondary System of State Highways " effective January 18, 1968;

1. When a gas or petroleum products transmission pipeline is to be constructed through an existing subdivision, the street right of way may be utilized under the following conditions;
 - a. Provided the pipeline is constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of pipeline and for the ultimate development, traffic volume, and population density of the area.
 - b. Provided the pipeline is not constructed under the pavement or shoulders of the street (except for crossings). The pipeline may be constructed in the median or sidewalk areas of nonlimited access streets if it will not conflict with other utilities, drainage facilities, or other roadway features.
 - c. Provided the pipeline is covered by a permit which places all liability for the pipeline and any damage to person or property, and the responsibility for future adjustments of the pipeline, upon the public service corporation.
2. When a gas or petroleum products transmission pipeline is existing through an area which is to be developed as a subdivision, the developer may lay out the streets to include the pipeline under the following conditions:
 - a. Provided the pipeline was constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of the pipeline and for the ultimate development, traffic volume, and population density of the area.
 - b. Provided the pipeline will not be located under the pavement or shoulders of the street (except for crossings). The pipeline may remain in median or sidewalk areas on nonlimited access streets if it does not conflict with other utilities, drainage facilities, or other roadway features.
 - c. That, upon application by the developer to the State to take over the subdivision streets for maintenance, the public service corporation will, in exchange for a permit granted in accordance with the Manual on Permits, quitclaim to the State its easement and/or right of way within the subdivision street with the following reservations:
 - (1) That the transmission pipeline may continue to occupy such street in its existing condition and location,
 - (2) That the public service corporation will be responsible for such pipeline and for any damages to persons or property resulting therefrom, and

- (3) That in the event the Virginia Department of Highways should later require for its purposes such public service corporation to alter, change, adjust, or relocate such transmission pipeline, the nonbetterment cost of any such alteration, change, adjustment, or relocation will be the responsibility of the State.
- d. In the event the above conditions cannot be met, the developer shall lay out and develop the subdivision so that the pipeline is contained in a distinct and separate easement and/or right of way of its own. In this case it will still be necessary for the public service corporation to comply with Section 2 (c) above, where the pipeline crosses any streets, insofar as the crossing is concerned.

BE IT FURTHER RESOLVED, that this policy shall be made a part of the Subdivision and Permit requirements and Utility procedures of the Department.

MOTION CARRIED. (1-18-68)

1.2 Rural Additions

Some public streets may qualify for addition to the secondary system of state highways, and subsequent improvement, as a rural addition. Such roads must be formally added to the system prior to improvements. State law prohibits expenditures of funds administered by the Department on roads that are not in the system.

Requirements for rural additions are determined by the authority under which the addition is proposed. The Eligibility Guide identifies requirements according to (a) the CTB's Rural Addition Policy (RAP) and (b) §33.1-72.1, Code of Virginia. In some cases, either authority may be valid.

Rural addition improvements must meet the minimum standards established in the RAP, whether added under authority of the RAP or §33.1-72.1, Code of Virginia. Improvements may exceed those standards, provided the cost in excess of that for the prescribed minimum is funded by sources other than those administered by the Department. The BOS must assure and provide such resources at the time the addition is requested.

A formal agreement(s) with the county is required if a stormwater management facility receives runoff from the road and/or the road crosses an impoundment dam and/or extrinsic structure. The agreement(s) must be in force before the road is accepted as part of the system. The guide agreements in the section for new subdivision streets are appropriate.

Right of Way and Utilities

Rural addition funds administered by the Department are reserved for construction and engineering costs only. Costs for providing a clear, unencumbered right of way and any relocations of utilities, mail boxes, etc., are not eligible expenses covered by rural addition funds administered by the Department. Ineligible costs must be borne by others and assured by the county.

Speculative Interests

If property abutting a proposed rural addition is owned by speculative interests, its addition is not eligible under the authority of the CTB's Rural Addition Policy. However, proposed additions that serve speculative interest property may qualify for addition under §33.1-72.1, Code of Virginia. Speculative interests are assessed a pro rata share of the improvement costs, pursuant to §33.1-72.1, which share must be assured and provided by the county.

Management Aids

Management aids in this section include:

- Reprint of the Commonwealth Transportation Board's Rural Addition Policy.
- Procedures to Address Speculative Interest & Pro Rata Participation and County/VDOT Cost Sharing for Rural Additions Pursuant to RAP/§33.1-72.1, Code of Virginia.
- VDOT Funding Chart for Rural Additions.
- Sample Resolutions R2 through R8, specific to the authority for the addition and other factors.

RURAL ADDITION POLICY

(Adopted 2/18/88 by the Commonwealth Transportation Board (Transcribed 9/3/1992))

1. Rural additions to the Secondary System of State Highways will be considered when requested by resolution of the Boards of Supervisors of the several counties where the proposed roads provide sufficient public service to warrant the expenditure of highway funds for maintenance and improvement thereof; provided, however, that a minimum 40' unrestricted right of way plus additional widths for cuts and fills where necessary, along with adequate drainage easements, are established and recorded in the deed books of the county at no cost to the Commonwealth; except that a lesser right of way width, but not less than 30', may be considered where buildings or permanent structures (not including fences) were in place prior to December 31, 1961 (date of the Transportation Board's policy on right of way for the Secondary System). Further, the resolution of the Board of Supervisors shall specifically guarantee the necessary right of way and easements for the proposed road addition. Where a county has a policy requiring greater widths of right of way, its policy becomes the policy of the Commonwealth Transportation Board in that county.
2. Rural additions to the Secondary System will be limited during any one fiscal year to not more than 1 1/4 % of each county's Secondary mileage at the end of the preceding calendar year, provided that the total mileage added to the system can be improved to a minimum standard for rural roads as established by the Department of Transportation with a maximum expenditure of not more than a sum equal to 5% of the allocation of construction funds for use on the Secondary System in such county.
3. Streets within subdivisions developed prior to July 1, 1949, may be considered as rural additions in accordance with Sections 1 and 2 aforementioned, provided that neither the original developer, developers, nor successor developers retain speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy. The Board of Supervisors requesting the addition of such subdivision streets meeting the requirements of Sections 1 and 2 shall submit with its resolution of request a certified copy of a plat of the area involved indicating street right of way, drainage easements, and place of recordation of the plat, including a detailed listing of the lot ownership at the time of submission.
4. The addition of streets in subdivisions developed subsequent to July 1, 1949, and prior to the adoption of a subdivision control ordinance in the county, the street requirements of which are equal to or greater than the requirements of the Department of Transportation for subdivision streets, or prior to November 15, 1959, (date of revised the Transportation Board's general policy on subdivision additions), whichever occurred first, may be considered under Sections 1 and 2 aforementioned provided all of the following are complied with:
 - a. The county has passed a subdivision control ordinance having street requirements meeting or exceeding the Department of Transportation's Subdivision Street Requirements.
 - b. Neither the original developer, developers, nor successor developers retain a speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy.
 - c. One-half of the Department of Transportation's estimate of cost of developing the streets to minimum rural standards as established by the Department of Transportation is donated through the county.
 - d. A certified copy of the plat indicating street right of way, drainage easements, and place of recordation and a detailed record of lot ownership, along with the required donation, shall be furnished with the submission of the resolution requesting the addition.
5. Where a county policy requires that a rural addition meeting the requirements of Section 1 be graded, drained, and surfaced to minimum standards for rural additions as established by the Department of Transportation or where this work has been accomplished by the property owners living thereon prior to recommendation for acceptance into the Secondary System, consideration may be given to the waiving of the mileage requirements. However, no consideration may be given to the waiving of the monetary limitations as set forth in Section 2 above, except with the express permission of the Commonwealth Transportation Commissioner.
6. The Commonwealth Transportation Commissioner, through the Deputy Commissioner and Chief Engineer, is directed to set up standards and administrative procedures to see that the provisions of this policy are adhered to and complied with.

7. All portions of the general policy for acceptance of subdivision streets into the Secondary System of State Highways, as approved by this Board on October 29, 1959 and subsequent revisions, in conflict with this policy are rescinded only to the extent of such conflict; and
8. The Boards of Supervisors of the several counties are urgently requested to instruct their appointed viewers or road engineer to give careful consideration to the public necessity for any requested addition, and to carefully weigh the need for the addition against other road needs in the county, so that the program of improving existing secondary roads not be hindered by expenditures of available funds upon roads of questionable public service.

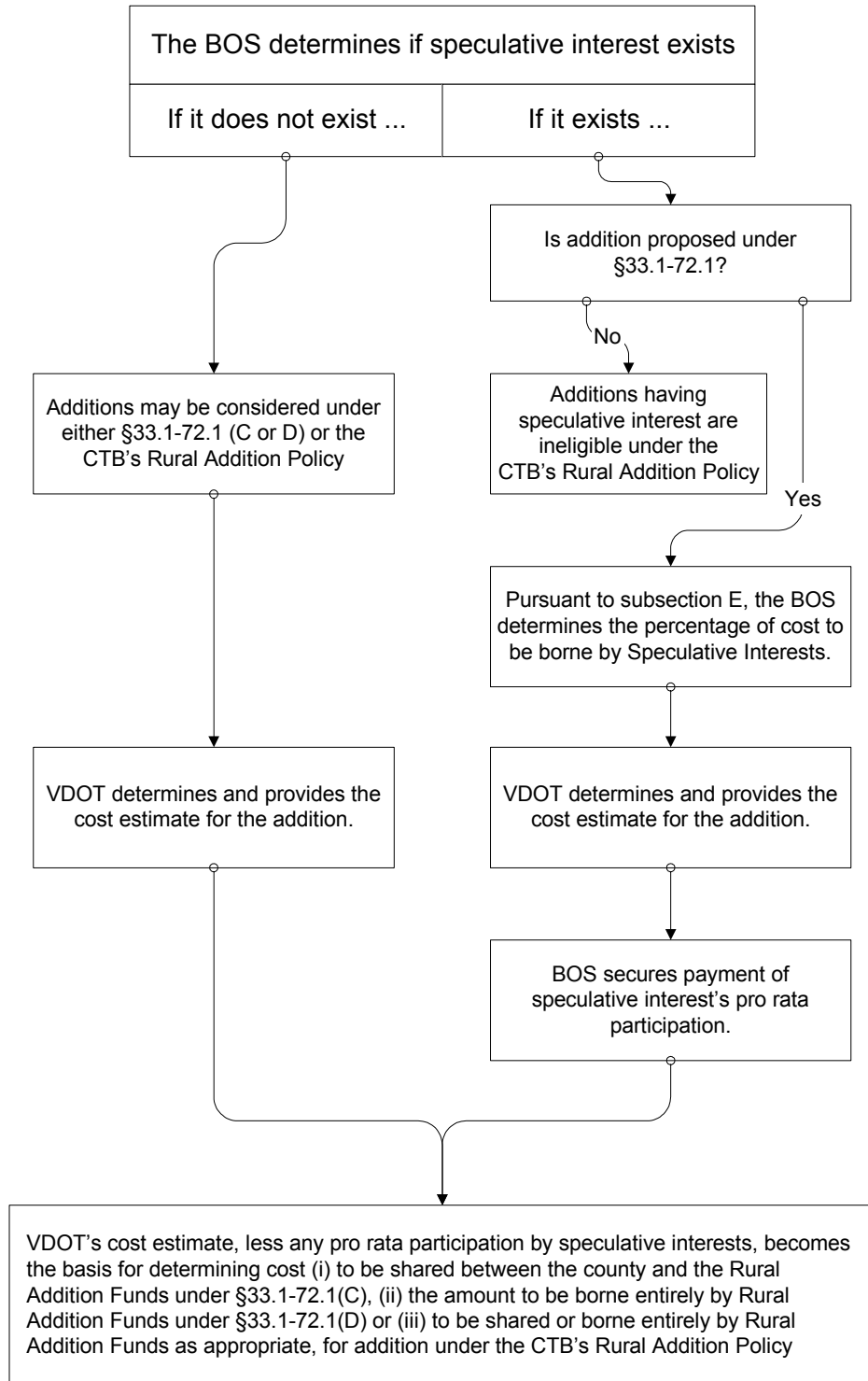
MINIMUM STANDARDS FOR NEW RURAL ADDITIONS TO SECONDARY SYSTEM

February 18, 1988

For anticipated traffic volume five years hence of:

1. Not more than 10 vpd 22' roadway - 14' light surface
2. 10 vpd to 25 vpd 22' roadway - 16' all-weather surface
3. 25 vpd to 50 vpd 24' roadway - 16' all-weather surface
4. 50 vpd to 100 vpd 24' roadway - 16' hard surface
5. Over 100 vpd Roadway width, base, and surface in accordance with criteria set forth in the Department's Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.
6. Grades and alignment for any Rural Addition shall not be less [stringent] than the minimums as set forth in the Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.
7. Any bridge located on a rural addition shall be constructed to the applicable width and capacity as set forth in the Geometric Design Standards/Rural Road System for the anticipated traffic volume.
8. Deviations from the above shall be fully justified and approved by the Secondary Roads Engineer.

**Procedures to Address
Speculative Interest, Pro Rata Participation
and
County/VDOT Cost Sharing
For Rural Additions Under Either
CTB-RAP or Sec. 33.1-72.1**



Expenditure of VDOT Rural Addition Funds

Cost Participation Guide for Improvements of Additions to Prescribed Standards

PERIOD STREET WAS ESTABLISHED	Maximum VDOT Participation Under Code of Virginia/CTB Policy			
	33.1-72.1 (C)	33.1-72.1 (D)	RAP(33.1-229)	SSR(33.1-229) 33.1-79 33.1-82
Prior to 7/1/49	50% a,b	100% a,b	100% b	0%
Between 7/1/49 & 11 /15/59 and Prior to VDOT approval of County SCO	50% a,b	100% a,b	50% a,b,c	0%
Between 7/1/49 & 11 /15/59 and After VDOT approval of County SCO	50% a,b	100% a,b	NA	0%
Between 11 /15/59 & 7/1/85	50% a,b	100% a,b	NA	0%
After 7/1 /85	NA	NA	NA	0%

GENERAL NOTES

- For the purposes of this guide, a subdivision control ordinance (SCO) is defined as a county's current subdivision ordinance that requires streets be developed in accordance with VDOT's Subdivision Street Requirements, thereby qualifying the BOS to recommend additions to the secondary system of state highways pursuant to Section 33.1-72.1, Code of Virginia.
- Addition improvements funded from the Revenue Sharing Program (Sec. 33.1-75.1, Code of Virginia) are restricted to subdivision streets eligible for addition under Sec. 33.1-72.1, Code of Virginia,
- Additions involving speculative interest may be considered under the provisions of Sec. 33.1-72.1 (E). The percentages shown above apply to the VDOT cost estimate for the improvement after deducting required pro rata participation by developer(s).
- Costs involved with right-of-way acquisition, relocations of utilities, fences, etc. are ineligible costs, not covered by VDOT rural addition funds. Such costs are to be borne by others.

FOOTNOTES:

The following restrictions apply when noted above:

- County's current SCO has been approved by VDOT.
- Neither the original developer, developers, nor subsequent developers retain a speculative interest in property abutting the addition.
- Additions limited to streets resulting from the subdivision of land.

R2 RAP Addition (Established before 7/1/49 but not by a subdivision of land)

The Board of Supervisors of _____ County, in regular meeting on the ____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established prior to July 1, 1949, has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant its addition as part of the secondary system of state highways,

*(Note: Use one paragraph for each applicable situation cited in the following 'Whereas' provision. Delete the following paragraph (s) when not applicable.) ***

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on (date) for *(comprehensive stormwater detention)* *(stormwater detention in _____ Subdivision)* *(the crossing of one or more extrinsic structures)* *(the crossing of a dam)* which applies to this request for addition,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia and the Rural Addition Policy of the Virginia Department of Transportation:

Name of Street: _____

From: _____

To: _____

Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded

Date: _____

Deed Book: _____

Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve the street to prescribed minimum standards, pursuant to the rural addition policy of the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

**

The administrative note and the 'Whereas' paragraph which follows applies to Resolutions R2 through R8. For simplicity, it is shown only on R2 and referenced on R3-R8.

R3

RAP Addition (Established by a subdivision of land before 7/1/49)

(See footnote * on sample resolution R2.)

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established prior to July 1, 1949, has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant addition to the secondary system of state highways, and

WHEREAS, after examining the ownership of all property abutting this street, for which a plat and detailed listing of ownership is attached, this Board finds that speculative interest does not exist,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia and the Rural Addition Policy of the Virginia Department of Transportation:

Name of Subdivision: _____

Name of Street: _____

From: _____

To: _____

Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded _____ Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve the street to prescribed minimum standards, pursuant to the rural addition policy of the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R4 RAP Addition (Eligible subdivision streets established 7/1/49 to 11/15/59)
(See footnote * * on sample resolution R2.)

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was the result of a subdivision of land made prior November 15, 1959 and prior to this county's adoption of a subdivision control ordinance subsequently approved by the Virginia Department of Transportation, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, the street has provided continuous public service since its establishment, and is now deemed to provide sufficient public service to warrant addition as part of the secondary system of state highways, and

WHEREAS, after examining the ownership of all property abutting this street, for which a plat and detailed listing of ownership is attached, this Board finds that speculative interest does not exist, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia and the Rural Addition Policy of the Virginia Department of Transportation:

Name of Subdivision: _____

Name of Street: _____

From: _____

To: _____

Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve the street to prescribed minimum standards, pursuant to the rural addition policy of the Commonwealth Transportation Board, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution and county check in the amount of \$_____ representing 50% of the Department's cost estimate of \$_____ to improve the street, be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R5 Rural Addition per §33.1-72.1(D) - No Speculative Interest involved

*(See footnote * * on sample resolution R2.)*

The Board of Supervisors of _____ County, in regular meeting on the ____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established _____ and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (D), Code of Virginia:

Name of Subdivision: _____

Name of Street: _____

From: _____

To: _____

Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (D), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R6

Rural Addition per §33.1-72.1(D) - Speculative Interest Involved

*(See footnote * * on sample resolution R2.)*

The Board of Supervisors of _____ County, in regular meeting on the ____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established _____, and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does exist and deems that extenuating circumstances also exist to warrant this addition, and

WHEREAS, this Board has determined that the pro rata share of speculative interests is the sum of \$ _____, as prescribed by §33.1-72.1 (E), Code of Virginia, and based on the Department's cost estimate of \$ _____ for improvement of the street, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (D), Code of Virginia:

Name of Subdivision: _____

Name of Street: _____

From: _____

To: _____

Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (D and E), Code of Virginia,

BE IT FURTHER RESOLVED, that a certified copy of this resolution and a county check in the amount of \$ _____, representing the pro rata share of speculative interests, be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R7 Rural Addition per §33.1-72.1(C) - No Speculative Interest Involved

*(See footnote * * on sample resolution R2.)*

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established _____, and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (C), Code of Virginia:

Name of Street: _____

From: _____

To: _____ Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded _____ Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1(C), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution and county check in the amount of \$ _____, representing 50% of the Department's cost estimate of \$ _____ to improve the street, be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R8 Rural Addition per §33.1-72.1(C) - Speculative interest Involved

(See footnote * on sample resolution R2.)

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the street described below was established _____, and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does exist and deems that extenuating circumstances also exist to warrant this addition, and

WHEREAS, based on the Department's cost estimate of \$ _____ for improvement of the street, this Board has determined, as prescribed by §33.1-72.1 (E), Code of Virginia, that the pro rata share of speculative interests is \$ _____, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1 (C), Code of Virginia:

Name of Street: _____

From: _____

To: _____ Length: _____ miles

Guaranteed Right-of-Way Width: _____ feet.

Plat Recorded Date: _____ Deed Book: _____ Page: _____

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1 (C and E), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution and county check in the amount of \$ _____, representing the pro rata share of speculative interests stated above plus 50% of the balance of Department's cost estimate to improve the street after deducting that prorata share, be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

1.3 School (Bus) Access

Section 33.1-68, Code of Virginia, provides the authority whereby certain roads that serve as the primary access to public schools may be added to the secondary system of state highways. The major requisites for the addition of such roads are:

- The road, over which school buses operate, leads from a state maintained highway (either primary or secondary) to a public school.
- Construction is complete, to standards appropriate for anticipated traffic, and financed from sources other than those administered by the Department.
- The school board and the BOS guarantees the right of way (30 ft. right of way, minimum) together with any required drainage or slope easements as necessary for road maintenance.

1.4 Additions in Towns Having Populations Under 3,500

Except for a few towns that operated under the authority of §33.1-80 on June 30, 1985, towns with populations under 3,500 and operating under either §33.1-79 or §33.1-82, Code of Virginia, may request additions to the secondary system. The following paragraphs are transcribed from the Urban Division Manual dated 7/1/87 (for geometric requirements see "Minimum Standards and Right of Way Widths", next page):

The major differences in these statutes are as follows:

- Under §33.1-79 - The only standard for an addition under this section is that it be at least "travelable" by motor vehicles during normal conditions (i.e., have at least a recognizable roadbed with proper drainage facilities). However, the total length of additions in any town operating under this statute is limited to 0.25 miles per fiscal year.
- Under §33.1-82 - There is no limitation regarding the length of additions that can be approved within a fiscal year, however, there are specific requirements addressing the widths of pavement and right of way that must be in place at the time of the addition.
- Additions under either of these statutes are maintained to the standard that existed when accepted as part of the system until such time as funding for improvement is provided under the Six Year Secondary Improvement Plan for the respective county.

Minimum Standards and Right of Way Widths (for additions of streets in towns under 3500 in population)

OPERATIONAL AUTHORITY	FOR STREETS ESTABLISHED	Unrestricted Right of Way Width	Condition of Street
Sec. 33.1-79 Code of VA (maximum mileage allowed/year = 0.25)	Before January 1, 1962	30 ft minimum	Travelable, under normal conditions
	After December 31, 1961	40 ft minimum except in extenuating circumstances	
Sec. 33.1-82 Code of VA (no limitation on annual mileage)	Before July 1, 1950	30 ft minimum	12 ft minimum hard surface
	After July 1, 1950	50 ft minimum	20 ft minimum hard surface
	After January 1, 1996	See the 1996 Subdivision Street Requirements or later version 24 VAC 30-90-10 et seq.	

Administrative Actions (for additions of streets in towns under 3500 in population)

Action by Responsible Party
Town Council requests VDOT to make addition
Resident Engineer coordinates processing of any agreements required between Town and State through Secondary Roads Division and prepares the addition assembly for submission to the Secondary Roads Division. Assembly consists of: <ul style="list-style-type: none"> (a) Certified copy of the Town Council's resolution (b) Completed Forms SR5 and T&S 5 (c) Supporting map and sketches of the additions (d) Supporting correspondence and/or information as appropriate
Secondary Roads Division
Reviews & processes assembly for review and comments or concurrence by Urban Division.
Urban Division
Reviews assembly and advises Secondary Roads Division on: <ul style="list-style-type: none"> (a) Recommendation regarding approval (b) Current Secondary mileage within the town and new mileage as a result of approved addition. (c) Fiscal Year in which the addition should become effective.
Secondary Roads Division <ul style="list-style-type: none"> (a) Process assembly and prepares it for the Commissioner's action (b) Forwards mapping information and sketches to Traffic Engineering Division (c) Advises Town Council and VDOT staff of Commissioner's action (d) Prepares resolution and monthly report for affirmation by CTB (e) Revises VDOT records to show the addition
Commonwealth Transportation Board affirms Commissioner's action

2.0 Deletions of Public Facilities from the Secondary System of State Highways

This document uses the terms road and street. However, these terms should be thought of as interchangeable with the following public facilities that may be deemed a part of the secondary system of state highways (ref. §33.1-67, Code of Virginia):

- causeways
- bridges
- landings
- wharves
- rail crossings

Roads are removed from the "secondary system of state highways" by:

- (1) Discontinuance (§33.1-150, Code of Virginia) and
- (2) Abandonment (§33.1-151 or §33.1-155, Code of Virginia).

2.1 Discontinuance

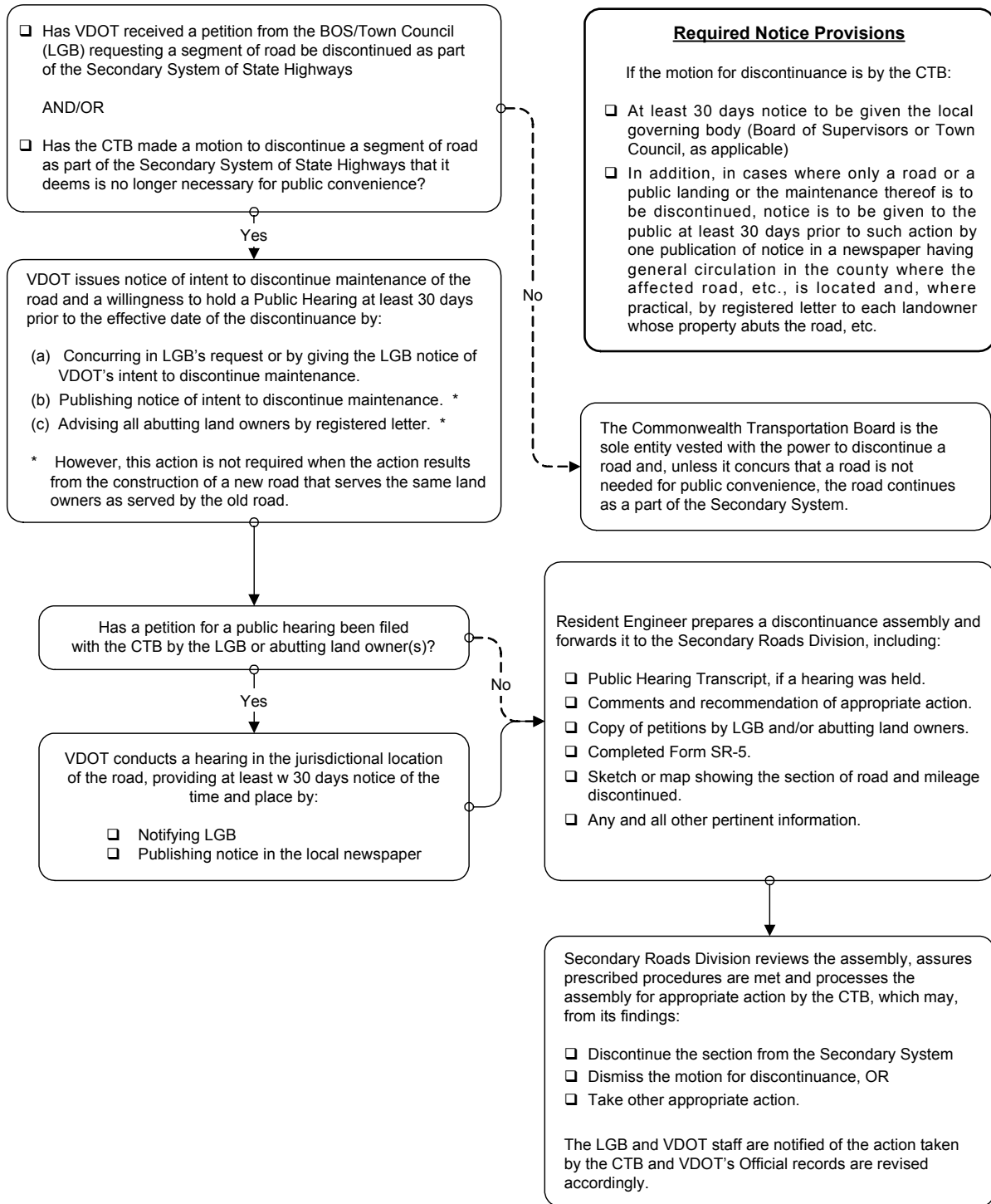
Discontinuance is an act reserved for the Commonwealth Transportation Board. It is the result of a determination that the road no longer serves a public convenience warranting its maintenance at public expense. By discontinuance the Department relieves itself of maintenance responsibility.

The effect of discontinuance upon a road is not to eliminate it as a public road or to render it unavailable for public use.

Section 33.1-150, Code of Virginia, prescribes certain steps and required notices in order to discontinue a road or other public facility. The flow chart on the next page serves to guide users of this document through those requirements.

Additionally, certain administrative actions and forms are required to process a discontinuance. These are identified in a chart entitled "Administrative Actions for Abandonment, Discontinuances and Project Adjustments" appearing later in this section.

DISCONTINUANCE: Considerations and Procedures for Removing a Road from the Secondary System of State Highways, Pursuant to §33.1-150, Code of Virginia.



Notes:

The powers and procedures for any subsequent abandonment of a road that has been discontinued as a part of the Secondary System of State Highways is vested in the Board of Supervisors under the provisions of § 33.1-157, Code of Virginia.

Discontinuance of a road as a part of the Secondary System of State Highways removes the State's obligation to maintain the road at public expense. The road remains a public road over which VDOT exercises no authority.

Any appeal of the findings of the CTB shall lie to the circuit court of the county and conform to §33.1-47, Code of Virginia.

R10 Discontinuance of state maintenance per §33.1-150

Note: The following resolution is not required of the local governing body and is viewed as an optional concurrence of actions that may be contemplated by the Commonwealth Transportation Board.

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, Secondary Route _____, from _____ to _____, a distance of _____ miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: The Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route _____ as a part of the Secondary System of State Highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R11 County (or Town) request for VDOT to hold a public hearing and to discontinue state maintenance per §33.1-150

Note: The following resolution is not required of the local governing body and is viewed as an optional concurrence of actions that may be contemplated by the Commonwealth Transportation Board.

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, Secondary Route _____, from _____ to _____, a distance of _____ miles, appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: The Virginia Department of Transportation be requested to take the necessary action to hold a public hearing on the discontinuance and, if no valid objections are presented, to discontinue aforesaid portion of Route _____ as a part of the Secondary System of State Highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

2.2 Abandonment of Roads from the Secondary System of State Highways

There are two statutes for abandoning a road that is a part of the secondary system of state highways. They are compared here and discussed later in separate sections.

1. To abandon a road under §33.1-151, the BOS must find that either
 - a) "no public necessity exists for the continuance of the section of the secondary road as a public road" (i.e., lack of public use), or
 - b) "the safety and welfare of the public would be served best by abandoning the section of road.
2. To abandon a road under §33.1-155, a new road 'which serves the same citizens as the old road' must be already constructed to Department standards and accepted into the secondary system. In practice, the acceptance of the new road and the abandonment of the old road may be acted upon on the same day, but only in that sequence.

2.2.1 The Process of Abandonment (§33.1-151)

A county receiving a request to abandon a section of road should first consider the matter on a preliminary basis. Once abandoned, it may not be possible to re-add a street as part of the secondary system of state highways should the Board of Supervisors have a change of heart.

Section 33.1-151 requires the BOS to announce its intent to abandon a road, including providing formal notice to the Commissioner, and a willingness to hold a public hearing. The process and considerations are detailed later in this section in a flow chart entitled "Abandonment of a Road from the Secondary System of State Highways."

Following a public hearing, assuming one is requested and properly held, the BOS acts to either dismiss the abandonment or to abandon the road within a prescribed time frame.

Upon receipt of the BOS's notice of intent to abandon a road, the resident engineer should promptly evaluate the proposed abandonment and forward the BOS's notice of intent and his recommendations to the Secondary Roads Division (SRD). The Secondary Roads Engineer normally prepares the formal response from the Commissioner to the BOS.

- a) If the Department concurs with the abandonment, the Commissioner's response takes the form of an acknowledgment.
- b) If the Department does not concur, the Commissioner's response to the BOS may cite appropriate concerns against the abandonment. The resident engineer will formerly present those concerns to the county, in writing and in person at the public hearing and at subsequent meetings of the BOS scheduled to consider or act on the proposed abandonment.

If the BOS takes action to abandon the road over the Department's objections, the resident engineer shall notify the Secondary Roads Division as soon as possible to begin determinations for appeal.

2.2.2 The Effects of Abandonment

For roads that have only a prescriptive easement for right-of-way (reference §33.1-184), a lawful abandonment, under either of the above Code sections, normally extinguishes the prescriptive easement and the road ceases to be a public road (ref. §33.1-153, Board of Supervisors v. VEPCO, 213 Va. 407, 192 S.E.2d 768 (1972)). No subsequent conveyance of right-of-way is applicable.

For roads that have right-of-way dedicated to public use, abandonment has the effect of closing the road to the public, but interests in the real property dedicated for right-of-way may only be transferred by a separate conveyance (reference §33.1-154). Right-of-way dedicated to a county government may be conveyed by the county; right-of-way dedicated to the Commonwealth may be conveyed only by the Department. The conveyance of right-of-way may follow an abandonment, but may not precede an abandonment.

2.2.3 Appeals of Abandonments under §33.1-151

If the BOS abandons a road, an appeal to the circuit court may be made within the 30 days of the order of abandonment, pursuant to §33.1-152 by any of the affected parties so empowered, including:

- Abutting property owners provided they petitioned for a public hearing.
- Commonwealth Transportation Commissioner
- Director of Game and Inland Fisheries (when appropriate)

If no appeal is noted, the resident engineer prepares the necessary documents described in the administrative actions chart located after Section 2.4.

2.3 Abandonments under §33.1-155

Section 33.1-155 is provided as an alternative means of abandoning roads to §33.1-151. Under §33.1-155, a new road "which serves the same citizens as the old road" must be already constructed to Department standards and accepted into the secondary system. In practice, the acceptance of the new road and the abandonment of the old road may be acted upon on the same day, but only in that sequence.

As cited in the case *Hudson v. AMOCO*, 152 F. Supp. 757 (E.D. Va. 1957), aff'd, 253 F.2d 27 (4th Cir. 1958), four (4) essential findings are necessary:

- 1) That the road be altered.
- 2) That a new road be constructed in lieu thereof.
- 3) That the new road serves the same citizens as the old road.
- 4) That approval of the Commonwealth Transportation Commissioner be obtained.

2.3.1 Appeals of Abandonments under §33.1-155

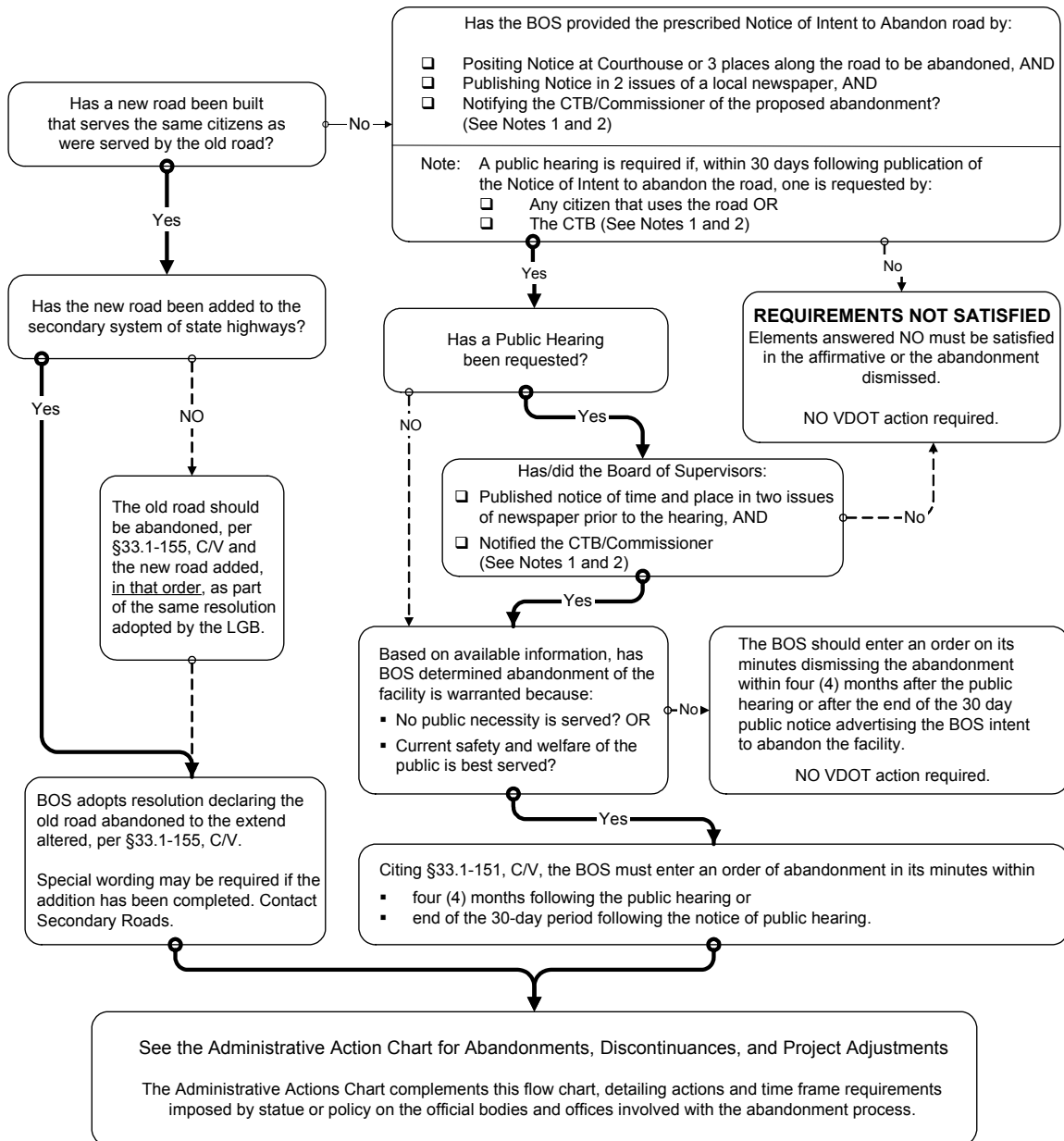
There appears to be no provision for an appeal to the courts from abandonments pursuant to §33.1-155, except as occasioned by fraudulent or indiscriminant acts. (Ref. 1 -*AMOCO v. Leaman*, 199 Va. 637, 101 S.E.2d 540 (1958) and Ref. 2 - *Hudson v. AMOCO*, 152 F. Supp. 757 (E.D.Va. 1957), aff'd, 253 F.2d 27 (4th Cir. 1958).

2.4 Procedural Chart and Resolutions for Abandonments under §33.1-151

Two distinct steps are required of the board of supervisors to abandon a road, each requiring a resolution. A procedural flow chart, mapping the required steps and considerations, for abandonments appears on the following page. Resolutions addressing the distinct steps required for abandonments under §33.1-151 follow the procedural flow chart. The Administrative Actions Chart for Abandonments, Discontinuances and Project Adjustments follow the resolutions (R 12, notice of intent, and R 13, abandonment).

ABANDONMENT OF A ROAD FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS UNDER 33.1-151 OR 33.1-155, CODE OF VIRGINIA

The power to abandon a secondary road is vested entirely in the Board of Supervisors of the various counties or equivalent local governing body.



Notes:

1. The Department of Game and Inland Fisheries is to be notified when the proposed abandonment involves a public landing.
2. The Resident Engineer is to notify the Secondary Roads Engineer immediately upon learning of efforts to abandon a secondary road, advising of the circumstances concerning the potential abandonment, and his recommendations.
3. When the road proposed to be abandoned lies in more than one county, the BOS of each county involved must agree on the proposed abandonment. (As a practical matter, this applies to §§33.1-151 and §33.1-155, but is cited only under §33.1-151.)
4. Any appeal from a BOS' order of abandonment under §33.1-151 shall lie to the circuit court of the county pursuant to §33.1-152.
5. As a practical matter, when the abandonment (or discontinuance of an old road is associated with the construction of a new road that serves the same citizens as the old, in the LGB's resolution, the old road is ordered abandoned before the new road is added.
6. Abandonment of a road has the effect of removing the road from the public domain as a public way.
7. When public service is provided, but is not sufficient to justify maintenance as a public expense, a discontinuance, pursuant to §33.1-150, should be considered.

R12 County order to post notice of intent to abandon a road per §33.1-151

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route _____ from _____ to _____ a distance of _____ miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Route _____, pursuant to §33.1-151 of the Code of Virginia of 1950, as amended..

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

R13 Abandonment of a secondary road per §33.1-151

The Board of Supervisors of _____ County, in regular meeting on the _____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, a public notice was posted as prescribed under §33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route _____ from _____ to _____, a distance of _____ miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described section of road and removes it from the secondary system of state highways, pursuant to §33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

Administrative Actions for Abandonments, Discontinuances and Project Adjustments Affecting the Secondary System of State Highways

INITIATING OR RESPONSIBLE PARTY		TYPE OF ADJUSTMENT & RELATED STATUTE, CODE OF VIRGINIA					
		Non-Project Related		Project Related Adjustments			
		Abandonment pursuant to §33.1-151	Discontinuance pursuant to §33.1-150		Addition pursuant to §33.1-229	Abandonment pursuant to §33.1-155	
Board of Supervisors posts Notice of Intent to Abandon		30 days prior to public hearing	NA	Not Applicable			
Resident Engineer reports intent and recommends a response to the Secondary Roads Engineer		Within 10 working days					
Secondary Roads Engineer prepares response to County for Commissioner		Within 10 working days					
Resident Engineer represents Department in subsequent proceedings		Required					
BOS acts to (1) Order road abandoned or (2) Dismiss proposed abandonment.		Required					
Abutting Landowner, CTB, or DGIF may appeal abandonment under §33.1-152 within 30 days		As deemed appropriate					
CTB provides notice to LGB of intent to discontinue facility		NA	30 days prior to CTB action	30 days prior to CTB action	Not Applicable		
CTB posts notice of intent to discontinue				Not Required (See Note 2)			
CTB posts notice of any required public hearing							
Resident Engineer and District concur on and recommends non-project related discontinuance.		NA	NA	Required	Required for all projects		
Traffic Engineering forwards project sketch to District							
District and Resident Engineer annotate project sketch and prepares recommendations to BOS							
BOS Acts to	1. Abandon old road per §33.1-155				NA	Required	NA
	2. Add new roads					NA	If Required
	3. Concur with discontinuances		If Required	NA			
	4. Request renumbers of route(s)		NA		As Required		
Resident Engineer prepares addition assembly consisting of	▪ Certified copy of the BOS's resolution	Required of all changes					
	▪ Completed Forms SR-4, SR-5 & T&S-5						
	▪ Surety & Maintenance Fees (See Note 1)	NA	NA	NA	If by Developer	NA	
	▪ Supporting map and sketches of the additions	Required for all changes					
▪ Supporting correspondence and/or information							
Secondary Roads Division	1. Reviews and process assembly for Commissioner's action	Required for all changes					
	2. Forwards mapping information and sketches to Traffic Engineering Division						
	3. Advises BOS and VDOT staff of Commissioner's action						
	4. Prepares resolution & monthly report for affirmation by CTB						
	5. Revises VDOT records to show the addition						
Commonwealth Transportation Board		Affirms Action	Orders Discontinuance		Affirms Addition	Affirms Action	

General Notes

1. Surety and Maintenance fee required for relocation projects completed by developers.
2. Where section of road to be discontinued has been replaced by new road serving the same citizens.

2.5 Abandonment of Public Roads Not a Part of the Secondary System of State Highways, under Title 33.1, Article 12

Article 12 addresses the abandonment of roads not in the State Highway System or the secondary system of state highways and specifically:

"... county roads maintained by a county and not part of the secondary system, and to roads dedicated to the public but which are not parts of the State Highway System, or the secondary highway system. The term "road" shall include streets and alleys in case of dedication to the public and shall likewise include an existing crossing by the lines of a railway company of such road and a crossing by such road of the lines of a railway company.." (ref. §33.1-156)

Former portions of the secondary system of state highways, discontinued as a part thereof pursuant to §33.1-150, are properly abandoned under the provisions of § 33.1-156 through 33.1-161. Such abandonments may be appealed under the provisions of §33.1-162. (See §33.1-163 for the effects of any abandonment under this article of the Code.)

VDOT will normally take no position on an act of vacation.

2.5.1 Vacations pursuant to §15.1-482

Pursuant to § 33.1 -166.1, a vacation under the provisions of § 15.1-482, subsection b, may be used as an alternative means of abandoning roads that are not a part of the State Highway System or the secondary system of state highways, as prescribed by §§33.1-157 through 33.1-164.

Abandonments by this vacation process may be appealed under the provisions cited in 15.1-482.

2.5.2 Vacation Process Not Applicable to the Secondary System of State Highways

The Attorney General's Office has held that a vacation does not apply to roads maintained as a part of the secondary system of state highways.

2.6 Project Adjustments to the Secondary System

Construction projects frequently relocate a portion of an existing road or adjust the alignment sufficient to sanction the abandonment or discontinuance of portions of the old alignment. Such actions adjust the mileage of the road requiring revision to the Department's maintenance log. The actions of addition, discontinuance, and abandonment, apply to the full width of right of way between termini measured along alignment centerline.

In most cases the termini will be defined as the intersections of the old and new alignment centerlines, however, the end of a turnaround facility or the intersection of the centerline from an intersecting road are other acceptable termini.

Sections of road affected by relocation projects must be clearly defined. Color coding, while informative, is lost in reproduction and microfilming. The Department's Highway Traffic Records Inventory System (HTRIS) uses a link-node concept to inventory lengths of roads throughout the state. That system uses a reference point called "node" to define termini which are tied by a road segment called "link." While termini of changes to the system will not likely match the nodes of the HTRIS system, the concept provides an excellent way to define changes due to relocation projects and improves on former methods.

The sample project provided later in this section uses letters to identify termini points (nodes) and links are identified by combining the two letters (Node A + Node B = Link AB). This approach is encouraged.

The management flow charts and administrative actions chart appearing in sections 2.1 and 2.4 also apply to adjustments due to relocation projects.

2.6.1 Priority of Adjustments

Although the actions of addition, abandonment and discontinuance usually occur simultaneously, the following order should be used:

- 1) The length of old portions to be abandoned (full ROW width) are first abandoned pursuant to §33.1-155.
- 2) The length of the relocated portions (full ROW width) are then added to the system pursuant to §33.1-229.
- 3) The length of old portions to be discontinued (full ROW width) are then discontinued pursuant to §33.1-150.
- 4) Any renumbering of former sections of roads that remain a part of the secondary system of state highways completes the process.

2.6.2 Resolution for Adjustments Due to Projects

Additions and abandonments resulting from projects require action by the board of supervisors. While discontinuances associated with projects are under the purview of the Commonwealth Transportation Board, the concurrence of the board of supervisors is desired.

A sample resolution (R9) follows that provides the appropriate order of actions (abandonment-addition-discontinuance, as applicable) and provisions for making adjustments to the secondary system of state highways required as a result of projects. Sections in the resolution that do not apply to specific cases are to be deleted.

R9 Project Adjustments involving Addition, Discontinuance and/or Abandonment

The Board of Supervisors of _____ County, in regular meeting on the ____ day of _____, _____, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated _____ depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project _____ which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229, Code of Virginia and

BE IT FURTHER RESOLVED, this Board concurs with the discontinuance as part of the secondary system of state highways, those portions of road identified by the sketch to be discontinued, pursuant to §33.1-150, Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

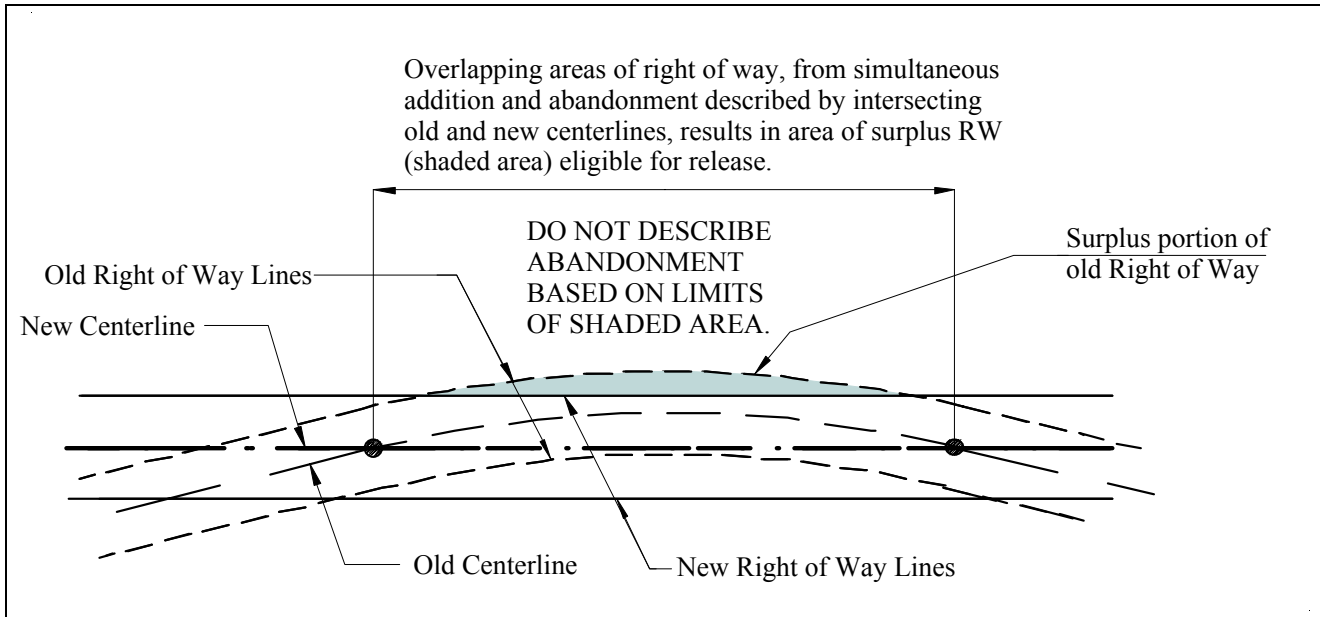
Seconded By: _____

Yeas: _____

Nays: _____

(Name), (Title)

2.6.3 Limits of Abandonments (Adjustments Due to Projects)



To dispose of a portion of old alignment right of way that is wholly or partly situated outside of a new alignment it is usually necessary to abandon the full width of the former roadway. The abandonment process must apply to the entire width of the old alignment, even when only a part of the former right of way is involved as illustrated. The termini of the portion to be abandoned may be substantially different than the limits of the portion deemed 'excess' and to be transferred.

The proper termini defining such an abandonment is (typically) the intersecting points of old and new centerlines. In relocation project adjustments, the simultaneous actions of addition and abandonment assures the right of way required for the new alignment and releases those portions of right of way situated outside of the new right of way, allowing a declaration of excess right of way. Any subsequent formal transfer of title must be in accordance with procedures of Sec. 33.1-154, Code of Virginia. Right of way that existed as a prescriptive easement automatically reverts to abutting landowners upon abandonment

2.6.4 Sample Project

To illustrate desired documentation for relocation projects, a "Project Adjustment Example" resolution and project sketch only) is provided for a project located in *Byrd County." Sections of Patrick Henry Road are added, discontinued, abandoned and renumbered. A method of identifying sections of road is used that is similar to the link node concept used by the Department's Highway Traffic Records Inventory System (HTRIS). Reference points called nodes define termini, which are linked by segments of road. The termini of changes will not likely concur with the node of the HTRIS system but the concept improves on former methods relying largely on color coding or designating the section of road by a single letter or number.

No subsequent transfer of title for property rights is provided in this example, nor are the usual forms that accompany such changes provided. Section 2.6.3 of this guide illustrates and explains requirements related to transfers of former, excess right of way.

For the purposes of this example, it is assumed the right of way for the relocation is donated and the Board of Supervisors is therefore providing the usual guarantee.

PROJECT ADJUSTMENT EXAMPLE

Board of Supervisors of Byrd County

The Board of Supervisors of Byrd County, in regular meeting on the 1st day of July, 1993, adopted the following:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has constructed Patrick Henry Road on a new alignment under Project 0760-027-P76, C501, and

WHEREAS, the project sketch, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that construction, and

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need, and

WHEREAS, the portion of old road identified to be discontinued is deemed by the Virginia Department of Transportation to no longer provide a public convenience sufficient to warrant maintenance at public expense as a part of the secondary system of state highways,

NOW, THEREFORE, BE IT RESOLVED, this Board hereby abandons segments A-B, C-D and E-F from the secondary system of state highways, pursuant to §33.1-155 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add segments A-G, G-F and G-B to the secondary system of state highways, pursuant to §33.1-229 of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board concurs with the Commonwealth Transportation Board's discontinuance of segment D-E as a part of the secondary system of state highways, pursuant to §33.1-150 of the Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests that segment G-B and B-C be accordingly renumbered as part of the secondary system of state highways, and

BE IT FINALLY RESOLVED, this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote

Moved By:

Mr. Richard Bland

Seconded By:

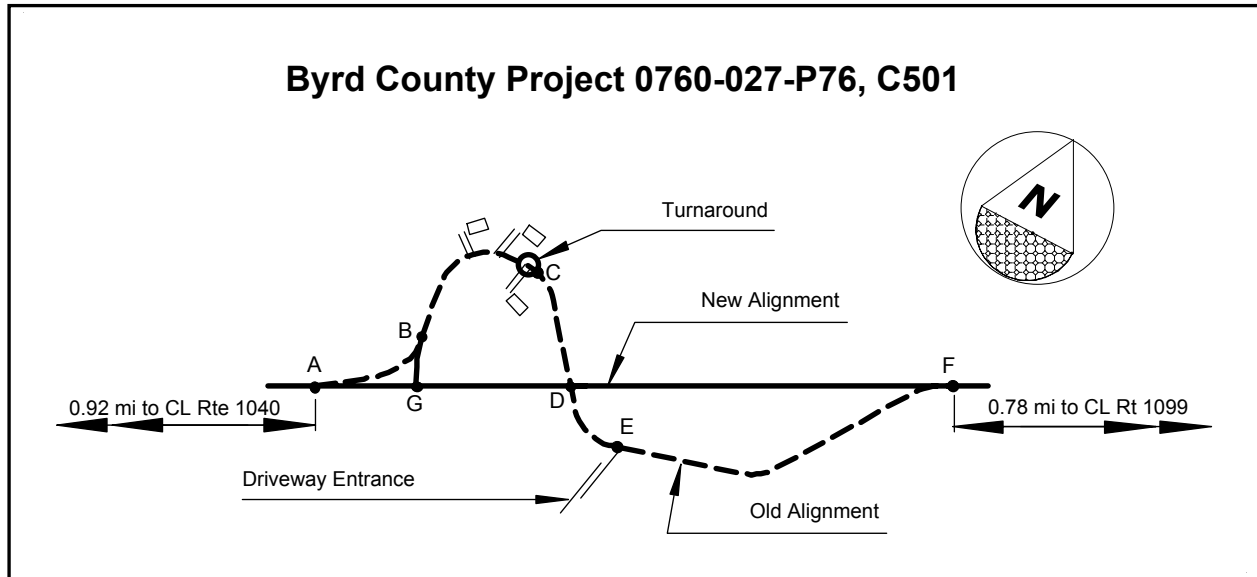
Mr. R. Henry Lee

Yeas: 5

Nays: 0

A Copy Teste:

Betsy Griscom, Secretary

Project Sketch

Note: Color-coding of links (segments) for reference is not sufficient. Named segments, using end point designations is required. The Attorney General's Office has advised descriptions in County resolutions must be able to stand-alone. Attached drawings are acceptable provided they are sufficiently detailed to find termini locations in the field without the aid of a survey crew.

Link	Length (miles) by Action				Alignment Old/New	Right of Way Date Recorded		Description and Comments
	Abandon	Add	Discontinue	Re- Number		Deed Book	Page	
A-B	0.19				Old			Abandon old alignment if no future need is foreseen
C-D	0.36				Old			Abandon old segment if not needed for access to adjacent property, otherwise discontinue.
E-F	0.72				Old			Abandon old segment if not needed for access to adjacent property.
A-G		0.15			New	March 26, 1992 786	2576	
G-F		1.35			New	March 26, 1992 786	2576	Add length of new alignment, from (new) HTRIS node, connection to old alignment, to end of project
G-B		0.09			New	March 26, 1992 786	2576	Add connection between old and new alignment with new route number
D-E			0.21		Old			Discontinue old alignment to preserve access to property.
B-C				0.25	Old			Re-number accordingly

Note: Lengths are measured intersection-to-intersection, distance from intersection to intersection, or to back of turnaround. Form SR-5 required for each row in table.

IMPORTANT: On County resolutions, abandoned segments must be enacted by the BOS before additions are listed. County resolutions may concur with proposed discontinuances and re-numberings, but concurrence is not necessary **for VDOT implementation.**

3.0 GLOSSARY

The following terms and words, when used in this guide, shall have the following meaning, unless the context clearly indicates otherwise.

TERM	MEANING
Addition	A street proposed for incorporation or the act of incorporating a street as part of the Secondary System of State Highways.
Abandonment	The legal action reserved for a county's Board of Supervisors to remove a road from the public domain, pursuant to §33.1-151 or §33.1-155.
Balance of Cost	The estimated cost to improve a street to minimum standards after deducting mandatory and voluntary contributions from sources outside of the Department.
BOS	Board of Supervisors, the governing body of any county or the Suffolk City Council for actions in the former Nansemond County portion of the City of Suffolk.
Cost Estimate	VDOT's estimated cost of improvements to prescribed minimum standards, exclusive of ineligible costs.
CTB	Commonwealth Transportation Board
Dam	A man made, frequently earthen, structure that is intended to impound water and is subject to differential hydraulic pressure.
Department	Virginia Department of Transportation
Detention Pond	In storm water management, a facility intended for collection and controlled release of stormwater.
Developer	The original owner, owners or successor owner(s) that retain speculative interest in property abutting a proposed addition. (See Speculative Interest.)
Discontinuance	The legal action reserved for the Commonwealth Transportation Board to terminate maintenance responsibility of a road, pursuant to §33.1-150 of the Code of Virginia.
Established	The recording of right of way for street or highway use by deed, dedication or other means, or otherwise opened to public use by motor vehicles.
Extrinsic Structure	Any structure deemed by the Department to be a nonessential element of a street's transportation function.
GIF	Department of Game and Inland Fisheries
LGB	Local Governing Body (Board of Supervisors or Town Council)
Mileage Limitation	1 1/4% of the total secondary system mileage for a county at the beginning of the current fiscal year.
Minimum Standards	<ul style="list-style-type: none"> ▪ For new rural additions, the Minimum Standards for New Rural Additions established in the Rural Addition Policy; ▪ For new subdivision streets, the standards defined in the SSR; ▪ For other secondary roads, the Road and Bridge Standards of the Department.
Pro rata Participation	The portion of the estimated cost to improve a rural addition that is borne by speculative interest, as prescribed in §33.1-72.1 (E), Code of Virginia.
Public Service	<p>(a) Under RAP, any situation set forth in the § 1.5 of the SSR.</p> <p>(b) Under §33.1-72.1, at least three (3) families per mile.</p>

TERM	MEANING
RAP	The Rural Addition Policy of the CTB.
RE	Resident Engineer - An employee of the department assigned to supervise departmental operations within a specific geographical area of the state consisting of one (1) to four (4) counties.
Retention Pond	In storm water management, a facility intended to impound and retain stormwater. It may also serve as a detention facility.
Right-of-Way (ROW)	The land, property, or interest therein acquired for or devoted to a street.
Road	See Street
Rural Addition Fund	Those funds available for improving streets to prescribed minimum standards for acceptance as a part of the Secondary System of State Highways. The major sources of rural addition funds are: <ol style="list-style-type: none"> 1. Up to 5% of the total annual secondary construction allocations for a county, as reserved for such use in that county's Secondary System Six Year Improvement Program. Any unobligated balance from the last three years may be carried forward. 2. Special funding from the Revenue Sharing Program, §33.1-75.1, Code of Virginia, may also be used for additions under §33.1-72.1 that are a result of a subdivision of land.
SCO	A county's currently adopted Subdivision Control Ordinance.
Speculative Interest	Any interest of a developer(s) as defined in §33.1-72.1 (C), Code of Virginia.
SSR	Subdivision Street Requirements, a regulation of the Commonwealth of Virginia.
Street	A transportation facility designated for public use by motor vehicles.
Subdivision	The division of a lot, tract, or parcel into two or more lots, plats, sites, or other division of land for the purpose of sale or of building development, whether immediate or future. Any resubdivision of a previously subdivided tract or parcel of land shall be interpreted as a "subdivision." The division of a lot or parcel of land permitted by Chapter 11 (§ 15.1-466(K)) of Title 15.1, Code of Virginia, will not be considered a "subdivision" under this definition, provided no new road or street is thereby established. However, any further subdivision of such parcels shall be considered a "subdivision.*"
Vacation	A process reserved for the governing body of a county or municipality under which it may extinguish "any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted" to it "as a condition of the approval of a site plan." (See §§ 15.1-480.1 through 15.1-485, Code of Virginia and the section in this guide "Adjustments in the Secondary System.") <p><i>The Attorney General's Office has held that a vacation does not apply to roads maintained as a part of the secondary system of state highways.</i></p>
VDOT	Virginia Department of Transportation

4.0 Table of Contents for Sections of the Code of Virginia

Sections of the Code of Virginia included in this document are those ineffect July 1, 2001.

§ 15.1-482	{now § 15.2-2272}. Vacation of plat after sale of lot.	61
§15.1-483	{now § 15.2-2274}. Effect of vacation under § 15.2-2272.	
§ 33.1-67.	Secondary system of highways.	62
§ 33.1-68.	Certain school roads in secondary system.	
§ 33.1-69.	Control, supervision and management.	
§ 33.1-69.01.	Department to install and maintain certain signs	
§ 33.1-69.1.	Transfer of control, etc., of landings, docks and wharves to Department of Game and Inland Fisheries.	
§ 33.1-70.01.	Annual meeting with county officers; six-year plan for secondary highways.	63
§ 33.1-72.1.	Taking certain streets into secondary system.	
§ 33.1-75.1.	Special funds for systems in certain counties.	65
§ 33.1-79.	Maintenance, etc., of streets and roads in certain towns from secondary funds.	
§ 33.1-82.	Maintenance, etc., by Commonwealth Transportation Commissioner when no request for allocation.	66
§ 33.1-150.	Discontinuance of road, public landing, or railway crossing as part of secondary system.	
§ 33.1-151.	Abandonment of road, landing, or crossing; procedure.	
§ 33.1-152.	Appeal to circuit court.	67
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§ 33.1-154.	Conveying sections of roads, public landings, or other property no longer necessary.	
§ 33.1-155.	Alternative procedure for abandonment of old road or crossing to extent of alteration.	
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§ 33.1-157.	Abandonment of certain roads and railway crossings by governing body of county.	
§ 33.1-158.	Notice of proposed abandonment.	
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§ 33.1-166.	Certain abandonments validated.	
§ 33.1-166.1.	Alternative method of abandoning roads.	71
§ 33.1-176.	Duty of owner or occupier of dam.	
§ 33.1-177.	Duties of Commissioner.	
§ 33.1-179.	Reconstruction if dam is washed out.	
§ 33.1-181.	Article applicable to county roads.	
§ 33.1-184.	Evidence as to existence of a public road.	
§ 33.1-193.	Closing highways for safety of public or proper completion of construction; injury to barriers, signs, etc.	
§ 33.1-201.	Improving certain private roads and certain town streets and roads.	72
§ 33.1-229.	Continuance of powers of county authorities; alternative procedure.	

§ 15.1-482 {now § 15.2-2272}. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.
2. By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. All abandonments of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

§15.1-483 {now § 15.2-2274}. Effect of vacation under § 15.2-2272.

The recordation of the instrument as provided under provision 1 of § 15.2-2272 or of the ordinance as provided under provision 2 of § 15.2-2272 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 free and clear of any rights of public use in the same.

§ 33.1-67. Secondary system of highways.

The secondary system of state highways shall consist of all of the public roads, causeways, bridges, landings and wharves in the several counties of the Commonwealth not included in the State Highway System, including such roads and community roads leading to and from public school buildings, streets, causeways, bridges, landings and wharves in incorporated towns having 3,500 inhabitants or less according to the census of 1920, and in all towns having such a population incorporated since 1920, as constitute connecting links between roads in the secondary system in the several counties and between roads in the secondary system and roads in the primary system of the state highways, not, however, to exceed two miles in any one town. If in any such town, which is partly surrounded by water, less than two miles of the roads and streets therein constitute parts

of the secondary system of state highways, the Commonwealth Transportation Board shall, upon the adoption of a resolution by the council or other governing body of such town designating for inclusion in the secondary system of state highways certain roads and streets in such town not to exceed a distance of two miles, less the length of such roads and streets in such town which constitute parts of the secondary system of state highways, accept and place in the secondary system of state highways such additional roads and streets.

§ 33.1-68. Certain school roads in secondary system.

All roads leading from the state highways, either primary or secondary, to public schools in the counties of the Commonwealth to which school buses are operated shall continue to constitute portions of the secondary system of state highways insofar as these roads lead to or are on school property and as such shall be improved and maintained.

§ 33.1-69. Control, supervision and management.

The control, supervision, management and jurisdiction over the secondary system of state highways shall be vested in the Department of Transportation and the maintenance and improvement, including construction and reconstruction, of such secondary system of state highways shall be by the Commonwealth under the supervision of the Commonwealth Transportation Commissioner. The boards of supervisors or other governing bodies of the several counties and the county road board or county road commission of any county operating under a county road board or county road commission shall have no control, supervision, management and jurisdiction over such public roads, causeways, bridges, landings and wharves, constituting the secondary system of state highways. Except as otherwise provided in this article, the Commonwealth Transportation Board shall be vested with the same powers, control and jurisdiction over the secondary system of state highways in the several counties and towns of the Commonwealth, and such additions as may be made from time to time, as were vested in the boards of supervisors or other governing bodies of the several counties or in the county road board or county road commission in any county operating under a county road board or county road commission on June 21, 1932, and in addition thereto shall be vested with the same power, authority and control as to the secondary system of state highways as is vested in the Board in connection with the State Highway System.

§ 33.1-69.01. Department to install and maintain certain signs.

Statute text

Whenever so requested by the governing body of a county, the Department of Transportation shall install a system of street name signs on state-maintained highways at such time and upon such terms and conditions as may be mutually agreed to between the county and the Commonwealth Transportation Commissioner.

The Department shall install, using state forces or contract, the initial signing system and the county shall be responsible for continuing maintenance of the signs. Supply of the signs by the Department, either by manufacture or purchase, and initial installation shall be paid for from appropriate secondary construction funds allocated to the county or from primary construction funds available to the Department.

No highway funds shall be used by the county for the cost of maintaining the signing system.

§ 33.1-69.1. Transfer of control, etc., of landings, docks and wharves to Department of Game and Inland Fisheries.

A. Notwithstanding any other provision of law, the Commonwealth Transportation Board may transfer the control, possession, supervision, management, and jurisdiction of landings, wharves, and docks in the secondary system of state highways to the Department of Game and Inland Fisheries, at the request or with the concurrence of the Department of Game and Inland Fisheries. Such transfer may be by lease, agreement, or otherwise, approved by resolution of the Board, and signed by the Commissioner or his designee, for such period and upon such terms and conditions as the Board may direct.

B. All such transfers effected prior to the enactment of this section by lease, agreement, or otherwise, from the Department to the Department of Game and Inland Fisheries, and all regulations of the Department of Game and Inland Fisheries controlling the use of such facilities, shall be and are hereby declared valid in every respect.

§ 33.1-70.01. Annual meeting with county officers; six-year plan for secondary highways.

The governing body of each county in the secondary system may, jointly with the resident engineer for the Department of Transportation or other representatives of the Department as designated by the Commonwealth

Transportation Commissioner, prepare a six-year plan for the improvements to the secondary highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan, the board of supervisors or other governing body shall conduct a public hearing after publishing notice in a newspaper published in or having general circulation in the county once a week for two successive weeks, and posting notice of the proposed hearing at the front door of the courthouse of such county ten days before such meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department of Transportation, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following such discussion, the governing body, together with the representative of the Department of Transportation, shall finalize and officially adopt the six-year plan which shall then be considered the official plan of the county.

At least once in each calendar year representatives of the Department of Transportation in charge of the secondary system of highways in each county, or some representative of the Department designated by the Commonwealth Transportation Commissioner, shall meet with the governing body of each county in a regular or special meeting of such governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department of Transportation shall furnish the governing body with an updated estimate of funds and the board and the representative of the Department of Transportation shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority, and following generally the policies of the Commonwealth Transportation Board in regard to the statewide secondary highway system improvements. Such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure hereinbefore outlined, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department of Transportation, shall adopt, as official, a priority program for the ensuing year, and the Department of Transportation shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years, following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department of Transportation, shall update the six-year plan of such county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the governing body may request a revision in such six-year plan in order that such plan be amended to provide for the expenditure of such additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the governing body and the resident engineer or other representative of the Department of Transportation fail to agree upon a priority program, the governing body may appeal to the Commonwealth Transportation Commissioner. The Commissioner shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a governing body, with the concurrence of the representative of the Department of Transportation, from combining the public hearing required for revision of a six-year plan with the public hearing required for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary highway system, including those in the towns located in the county that are maintained as a part of the state secondary highway system, and shall be made a public document.

§ 33.1-72.1. Taking certain streets into secondary system.

A. "Street," as used in this section, means a street or highway shown on a plat which was recorded or otherwise opened to public use prior to July 1, 1988, at which time it was open to and used by motor vehicles, and which, for any reason, has not been taken into the secondary system of state highways and serves at least three families per mile.

B. "County," as used in this section, means a county in which the secondary system of the state highways is constructed and maintained by the Department of Transportation and which has adopted a local ordinance for control of the development of subdivision streets to the necessary standards for acceptance into the secondary system.

C. Whenever the governing body of a county recommends in writing to the Department of Transportation that any street in the county be taken into and become a part of the secondary system of the state highways in such county, the Department of Transportation thereupon, within the limit of available funds and the mileage

available in such county for the inclusion of roads and streets in the secondary system, shall take such street into the secondary system of state highways for maintenance, improvement, construction and reconstruction if such street, at the time of such recommendation, either: (i) has a minimum dedicated width of forty feet or (ii) in the event of extenuating circumstances as determined by the Commonwealth Transportation Commissioner, such street has a minimum dedicated width of thirty feet at the time of such recommendation. In either case such streets must have easements appurtenant thereto which conform to the policy of the Commonwealth Transportation Board with respect to drainage. After the streets are taken into the secondary system of state highways, the Department shall maintain the same in the manner provided by law. For streets whose plans are submitted on or after July 1, 1998, if the local government requires street pavement widths other than those set forth in the Virginia Department of Transportation's Subdivision Street Requirements (24 VAC 30-90-10 et seq. of the Virginia Administrative Code), any increase in the annual cost of maintenance attributable to such other pavement widths shall be paid to the Department by the local government. Such street shall only be taken into the secondary system of state highways if the governing body of the county agrees to contribute from county revenue or the special assessment of the landowners on the street in question one-half of the cost to bring the streets up to the necessary minimum standards for acceptance. No such special assessment of landowners on such streets shall be made unless the governing body of the county receives written declarations from the owners of seventy-five percent or more of the platted parcels of land abutting upon such street stating their acquiescence in such assessments. The basis for such special assessments, at the option of the local governing body, shall be either (i) the proportion the value of each abutting parcel bears to total value of all abutting parcels on such street as determined by the current evaluation of the property for real estate tax purposes, or (ii) the proportion the abutting road front footage of each parcel abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel shall exceed one-third of the current evaluation of such property for real estate tax purposes. Such streets are eligible under this provision only if neither the original developer, developers, nor successor developers retain a speculative interest in property abutting such streets. For the purpose of this section, ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute speculative interest. Special assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2, *mutatis mutandis*, for assessments for local improvements.

D. Whenever the governing body of a county recommends in writing to the Department of Transportation that any street in the county be taken into the secondary system of state highways as a rural addition to the secondary system in such county, the Department of Transportation thereupon shall, within the limitation of funds and the mileage limitation of the Commonwealth Transportation Board's policy on rural additions, take such street into the secondary system of state highways as a rural addition thereto for maintenance, improvement, construction, and reconstruction. Any street added to the secondary system under this provision shall be constructed to the Department's standards for the traffic served. Such streets are eligible under this provision only if neither the original developer, developers, nor successor developers retain a speculative interest, as herein defined, in property abutting such streets. The local governing body of any county may use revenues derived from the sale of bonds to finance the construction of rural additions to the secondary system of such county. In addition, from the funds allocated by the Commonwealth for the construction of secondary road improvements, such governing body may use funds allocated within the Commonwealth Transportation Board policy for the construction of rural additions to pay principal and interest on bonds associated with rural additions in such county, provided the revenue derived from the sale of such bonds is not used as the county matching contribution under § 33.1-75.1. The provisions of this section shall not constitute a debt or obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia.

E. In instances where it is determined that speculative interest is retained by the original developer, developers, or successor developers and the governing body of the county deems that extenuating circumstances exist, the governing body of the county shall require a pro rata participation by such original developer, developers or successor developers as a condition of the county's recommendation pursuant to this section. The basis for the pro rata percentage required of such developer, developers, or successor developers shall be the proportion that the value of the abutting parcels owned or partly owned by the developer, developers, or successor developers bears to the total value of all abutting property as determined by the current evaluation of the property for real estate purposes. The pro rata percentage shall be applied to the Department of Transportation's total estimated cost to construct such street to the necessary minimum standards for acceptance to determine the amount of costs to be borne by the developer, developers, or successor developers. Property so evaluated shall not be assessed in the special assessment for the determination of the individual pro rata share attributable to other properties. Further, when such pro rata participation is accepted by the governing body of the county from such original developer, developers, or successor developers, such amount shall be deducted from the Department of Transportation's total estimated cost and the remainder of such estimated cost shall then be the basis of

determining the assessment under the special assessment provision or determining the amount to be provided by the county when funded from general county revenue under subsection C of this section or determining the amount to be funded as a rural addition under subsection D of this section.

F. Acceptance of any street into the secondary system of state highways for maintenance, improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire any additional right-of-way or easements should they be necessary by virtue of faulty construction or design.

G. The local governing body of the county may expend general county revenue for the purposes of this section.

H. The local governing body of the county may permit one or more of the landowners on the street in question to pay to the county a sum equal to one-half of the cost to bring the street up to the necessary minimum standards for acceptance into the secondary system of state highways, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the special assessment of landowners on such street, the county shall use such special assessment funds to reimburse, without interest, the one or more landowners for those funds which they previously advanced to the county to bring the street up to the necessary minimum standards for acceptance.

I. Any funds allocated for use within any county for the purpose of adding to the secondary system of highways, if not used by such county for such purpose during the fiscal year they are so allocated, may be held for such purpose for the three succeeding fiscal years.

§ 33.1-75.1. Special funds for systems in certain counties.

A. From, and as a first priority of, annual allocations of state funds for the maintenance, improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board shall make an equivalent matching allocation to any county for designations by the governing body of up to twenty-five percent or \$500,000, whichever is greater, of funds received by it during the current fiscal year pursuant to the State and Local Fiscal Assistance Act of 1972, hereinafter referred to as "revenue sharing funds," for use by the Commonwealth Transportation Board to construct, maintain or improve the primary and secondary highway systems within such county. Such funds appropriated by the Commonwealth Transportation Board and such federal revenue sharing funds shall be placed in special fund accounts of the Board and county, respectively, both to be known as the ". County primary and secondary road fund," and shall be used solely for the purposes of either (i) maintaining, improving or constructing the primary and secondary highway systems within such county, or (ii) bringing subdivision streets, used as such prior to July 1, 1988, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways. The governing body may place an equivalent amount from county general funds in such fund in lieu of such federal revenue sharing funds. After due consultation and exchange of recommendations with the Board, the governing body of such county shall determine what portion of such funds shall be used for construction, and what portion for maintenance or improvement, of primary and secondary roads in such county. That portion so designated by the governing body for construction shall be allocated to specific projects by the Board; that portion designated by the governing body for maintenance or improvement shall be allocated to specific roads by the governing body. The county shall pay over to the Board that amount of its special fund account needed for a project upon notice by the Board of its intent to proceed with the project. Projects identified by the board of supervisors for construction with revenue sharing funds need not be included in the county's six-year plan.

B. Upon indication by the resident engineer of a county that a project or projects funded pursuant to subsection A of this section cannot be implemented by the Department of Transportation within the fiscal year for which such revenue sharing funds have been allocated, the Department may contract with the county for the implementation of the project or projects by the county. Such contract may cover either a single project or may provide for the county's implementation of several projects during the fiscal year. Upon approval by the Department, the county may expend from its special fund created under subsection A of this section funds to undertake the implementation of a particular project or projects. The county will undertake implementation of the particular project or projects by obtaining the necessary permits from the Department of Transportation in order to ensure that the improvement is consistent with the Department's standards for such improvements.

C. Total state funds allocated statewide under this section shall not exceed \$10 million in any one fiscal year.

D. Notwithstanding the limitations specified in subsection A of this section, one month prior to the end of any fiscal year in which less than \$10 million has been allocated from state funds under this section, those counties requesting more than \$500,000 may be allowed an additional allocation. The difference between the amount first allocated and \$10 million shall be allocated at the discretion of the Commonwealth Transportation Board among the counties receiving the maximum allocation under subsection A of this section.

§ 33.1-79. Maintenance, etc., of streets and roads in certain towns from secondary funds.

The Commonwealth Transportation Commissioner of Virginia is hereby authorized and empowered, subject to the approval of the Commonwealth Transportation Board, upon request of the governing bodies of incorporated towns of less than 3,500 inhabitants, according to the last United States census, to select certain streets and roads in such towns for maintenance, improvement, construction and reconstruction from allocations available from secondary funds not to exceed 2 miles of streets or roads in such incorporated towns included in the secondary system of highways, whether such 2 miles of streets or roads constitute connecting links between roads in the secondary system in the several counties, or between roads in the secondary system and roads in the primary system, of the state highways or not.

The said Commissioner is hereby authorized and empowered, with the approval of the Commonwealth Transportation Board, in addition to the said two miles to increase the mileage of streets and roads in such incorporated towns annually, not to exceed, however, in any one year one-fourth mile, exclusive of any mileage transferred from the primary system under the provisions of § 33.1-35, or any mileage maintained by the Department of Transportation prior to its annexation by such incorporated town.

§ 33.1-82. Maintenance, etc., by Commonwealth Transportation Commissioner when no request for allocation.

If no request is made to the Commonwealth Transportation Board of Virginia by the governing body of any such town as provided in § 33.1-79, the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board, may maintain, improve, construct, and reconstruct all streets in such incorporated town that (i) have an unrestricted right-of-way width of not less than thirty feet and a hard surface width of not less than twelve feet, (ii) were established after July 1, 1950, by such town and have a right-of-way width of not less than fifty feet and a hard surface width of not less than twenty feet, or (iii) are functionally classified as local streets and were constructed on or after January 1, 1996, and at the time of approval by the town, met the criteria for pavement width and right-of-way of the then-current edition of the subdivision street requirements manual for secondary roads of the Department of Transportation (24 VAC 30-90-10 et seq.).

§ 33.1-150. Discontinuance of road, public landing, or railway crossing as part of secondary system.

On petition of the governing body of any county in which a road, public landing, or crossing is located or upon petition of the town council of a town having a population of 3,500 or less, or on its own motion the Board may discontinue any road, public landing, or crossing in the secondary system as a part thereof in any case in which the Board deems such road, public landing, or crossing not required for public convenience. If the Board on its own motion desires to discontinue any such road, public landing, or crossing, notice shall be given the governing body of the county and town at least thirty days prior to any discontinuance of a road or crossing under this section. In addition, in cases where only a road or public landing or the maintenance thereof is to be discontinued, notice of such intention shall be given to the public, at least thirty days prior to such action by one publication in a newspaper having general circulation in the county in which the affected road is situated and, where practicable, by a registered letter to each landowner whose property abuts the section of road or public landing to be discontinued; for the purposes of this section, the representative of the Board charged with giving notice may, where practicable, rely upon the tax records of the county to determine the names and addresses of such owners. These additional notice provisions shall not be required in cases where the section of road to be discontinued has been replaced by a new road serving the same citizens. If the governing body of any county or town requests a hearing, or upon petition of any landowner whose property abuts a road or public landing which is to be discontinued, the Board, or a representative thereof, shall hold a hearing in the county in which the road, public landing, or crossing is located in order to ascertain whether or not such road, public landing, or crossing should be discontinued. From the finding of the Board an appeal shall lie to the circuit court of the county in which such road, public landing, or crossing is located and the procedure thereon shall conform to the procedure prescribed in § 33.1-147. The jurisdiction and procedure for abandonment of roads and public landings discontinued as parts of the secondary system in accordance with this article shall remain in the local road authorities.

§ 33.1-151. Abandonment of road, landing, or crossing; procedure.

The governing body of any county on its own motion or upon petition of any interested landowner may cause any section of the secondary system of highways or any crossing by the road of the lines of a railway company, or crossing by the lines of a railway company of the road, deemed by it to be no longer necessary for the uses of the secondary system of highways, to be abandoned altogether as a public road, a public landing, or as a public crossing, as the case may be, by complying substantially with the following procedure:

The governing body of the county shall give notice of intention to abandon any such road, landing, or crossing by (a) posting a notice of such application at least three days before the first day of a regular term of the circuit court, at the

front door of the courthouse of the county in which the section of the road, landing, or crossing sought to be abandoned as a public road, landing, or crossing is located, or (b) by posting notice in at least three places on and along the road, landing, or crossing sought to be abandoned for at least thirty days, and, in either case, by publication in two or more issues of some newspaper having general circulation in the county, and the governing body shall also give notice of its intention to abandon such road, landing, or crossing to the Commonwealth Transportation Board or the Commissioner thereof. In any case in which the road, landing, or crossing proposed to be abandoned lies in two or more counties, the governing bodies concerned shall not abandon such road, landing, or crossing unless and until the governing bodies of the other county or counties in which such road, landing, or crossing is located agree thereto; the procedure in such cases shall conform mutatis mutandis to the procedure prescribed for the abandonment of a road, landing, or crossing located entirely within a county.

When the governing body of the county gives notice of intention to abandon any such landing, the governing body shall also give such notice to the Department of Game and Inland Fisheries.

Upon petition of one or more landowners in the county whose property abuts on the road, landing, or crossing proposed to be abandoned or, if only a section of a road, landing, or crossing is proposed to be abandoned, whose property abuts on such section of the road, landing, or crossing or of the Commonwealth Transportation Board or of the Department of Game and Inland Fisheries, in the case of a public landing, filed with the governing body of the county within thirty days after notice is posted and published as aforesaid, but not thereafter, the governing body shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by at least two publications thereof in some newspaper having general circulation in the county and shall also give notice thereof to the Commonwealth Transportation Board or, if a public landing is sought to be abandoned, to the Department of Game and Inland Fisheries.

If a petition be not filed as aforesaid for a public hearing, or if after a public hearing is held, the governing body is satisfied that no public necessity exists for the continuance of the section of the secondary road as a public road, or the crossing as a public crossing, or the landing as a public landing, or that the safety and welfare of the public would be served best by abandoning the section of road, landing, or the crossing, as a public road, landing, or crossing, it shall enter (i) within four months next after the thirty days during which notice was posted where no petition for a public hearing was filed, or (ii) within four months next after the public hearing an order on its minutes abandoning the section of road as a public road, or the landing as a public landing, or the crossing as a public crossing as the case may be, and thereupon the section of road shall cease to be a public road, or a public landing or a public crossing, as the case may be, or if the governing body be not so satisfied, it shall dismiss the application within the specified four months.

A finding by the governing body of a county that a section of the secondary system of highways is no longer necessary for the uses of the secondary system may be made if the following conditions exist:

- A. The road is located within a residence district as the latter is defined in § 46.2-100;
- B. The residence district is located within a county having a density of population exceeding 1,000 per square mile;
- C. Continued operation of the section of road in question constitutes a threat to the public safety and welfare; and,
- D. Alternate routes for use after abandonment of the road are readily available.

In considering the abandonment of any section of road under the provisions of this section, due consideration shall be given to the historic value, if any, of such road.

Any order of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

For the purposes of §§ 33.1-150 through 33.1-154, "landing" shall mean a place on a river or other navigable body of water for loading or unloading goods, or for the reception and delivery of passengers; the terminus of a road on a river or other navigable water, for the use of travelers and the loading and unloading of goods; a place for loading or unloading boats, but not a harbor for them.

However, no public landing shall be abandoned unless the Department of Game and Inland Fisheries shall, by resolution, concur in such abandonment.

§ 33.1-152. Appeal to circuit court.

Any one or more of the landowners whose property abuts on the road, landing, or crossing proposed to be abandoned or, if only a section of a road, landing, or crossing is proposed to be abandoned, whose property abuts on such section of the road, landing, or crossing and who petitioned for a public hearing under § 33.1-151, or the Commonwealth Transportation Commissioner, or, if a public landing is involved, the Director of Game and Inland Fisheries, may within thirty days from the entry of the order by the governing body, but not afterwards, appeal from the order to the circuit court of the county in which the section of road, public landing, or the crossing sought to be abandoned is located. Where the governing body fails to enter an order pursuant to § 33.1-151, such person or persons named in this section shall within thirty days from such nonentry, but not afterwards, have a right of appeal to the appropriate circuit court. Such appeals shall be by petition filed in the clerk's office of such court, setting out the order appealed from or the cause appealed from where no order was entered and the grounds of such appeal. Upon the filing of such petition, the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal be by any of the landowners who filed a petition with the governing body for a public hearing shall have notice of such appeal served upon each member of the governing body of the county pursuant to § 8.01-300 and either the Commonwealth Transportation Commissioner or the Director of Game and Inland Fisheries and if the appeal be by either, notice thereof shall be served upon the governing body of the county and landowners who filed petition with the governing body for a public hearing. No such appeal shall be tried by the court within ten days after notice is given, as hereinabove provided, unless such notice be waived. The circuit court shall decide the appeal based upon the record and upon such other evidence as may be presented by the parties. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether adequate justification exists for the decision of the governing body that public necessity exists for the continuance of the section of road, public landing, or the crossing as a public road, public landing, or crossing, or that the welfare of the public will be served best by abandoning the section of the road, public landing, or the said crossing as a public road or crossing and shall enter its order accordingly.

Upon any such appeal, if it shall appear to the court that by the abandonment of such section of road, public landing, or such crossing as a public road, public landing, or crossing any party to such appeal would be deprived of access to a public road, the court may cause the railway company and the governing body, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem to it just and proper for keeping open such section of road, public landing, or such crossing for the benefit of such party or parties as would by such abandonment be deprived of access to a public road.

§ 33.1-153. Effect of abandonment.

In case of the abandonment of any section of road, public landing, or any crossing under the provisions of this article as a part of the secondary system of highways, such section of road, public landing, or such crossing, shall not remain a public road, public landing, or crossing.

§ 33.1-154. Conveying sections of roads, public landings, or other property no longer necessary.

Whenever a secondary road or public landing has been abandoned in accordance with the provisions of § 33.1-151 or § 33.1-152 or in accordance with § 33.1-155, and its use is no longer deemed necessary by the Commissioner, the Commissioner shall so certify, in writing, to the Commonwealth Transportation Board, and governing body of the county in which such road or public landing is located, such facts, and the governing body or the Board shall thereupon be authorized to execute, in the name of the Commonwealth or the county, as the case may be, a deed or deeds conveying such sections, or public landing either for a consideration or in exchange for other lands that may be necessary for the uses of the secondary system. But before any such deed either for the sale or exchange of land is executed conveying any section of a road or public landing upon or along which any person or persons reside, notice shall be given by the Commissioner or the governing body of the county, as the case may be, and to the owner or owners of the land upon which such person or persons reside of the intention to convey the section of road or public landing and if, after a reasonable notice of such intention, any such landowner so requests a hearing shall be ordered by the Commissioner or governing body, as the case may be, as now provided by law. If, upon such hearing, it is made to appear that such section of road or public landing should be kept open for the reasonable convenience of such landowner, or the public, then such section of road or public landing shall not be conveyed.

Any such conveyance by the Commissioner shall have the approval of the Board by resolution recorded in the minutes of a meeting of the Board. Any such conveyance by the governing body of a county shall not be subject to § 15.1-262.

When real estate heretofore or hereafter acquired by the Commonwealth incidental to the construction, reconstruction, alteration, maintenance and repair of the secondary system of state highways which does not constitute a section of the public road is deemed by the Commissioner no longer necessary for the uses of the

secondary system of state highways, the Commissioner shall so certify, in writing, to the Board such facts, and it may authorize the Commissioner to execute, in the name of the Commonwealth, a deed or deeds conveying such real estate, interest therein or any portion thereof, either for a consideration or in exchange for other lands that may be necessary for the uses of the secondary system of state highways.

Any such conveyance shall have the approval of the Board by resolution recorded in the minutes of a meeting of the Board.

§ 33.1-155. Alternative procedure for abandonment of old road or crossing to extent of alteration.

When any road in the secondary system or any road in the secondary system containing a railway-highway grade crossing has been or is altered and a new road which serves the same citizens as the old road is constructed in lieu thereof and approved by the Commonwealth Transportation Commissioner, the old road and/or the public crossing may be abandoned to the extent of such alteration, but no further, by a resolution of the board of supervisors or other governing body of the county, declaring the old road and/or the public crossing abandoned.

§ 33.1-156. Application of article; "road" defined.

The provisions of this article shall apply mutatis mutandis to county roads maintained by a county and not part of the secondary system, and to roads dedicated to the public but which are not parts of the State Highway System, or the secondary highway system. The term "road" shall include streets and alleys in case of dedication to the public and shall likewise include an existing crossing by the lines of a railway company of such road and a crossing by such road of the lines of a railway company.

§ 33.1-157. Abandonment of certain roads and railway crossings by governing body of county.

When a section of a road not in the secondary system is deemed by the governing body of the county, hereinafter in this article referred to as governing body, no longer necessary for public use, or an existing crossing by such road of the lines of a railway company, or a crossing by the lines of a railway company of such road, is deemed by such governing body no longer necessary for public use, the governing body by proceeding as hereinafter prescribed may abandon the section of the road no longer deemed necessary for public use, or such crossing by the road of the lines of a railway company, or crossing by the lines of the railway company of the road, as the case may be.

In considering the abandonment of any section of road under the provisions of this section, due consideration shall be given to the historic value, if any, of such road.

§ 33.1-158. Notice of proposed abandonment.

In case of a proposed abandonment of a road referred to in this article, the governing body shall give at least thirty days' notice of intention so to do by posting notice at the front door of the courthouse, by posting notices on at least three places along and on the road proposed to be abandoned, and by publication of intention so to do at least twice in a newspaper having general circulation in the county. All such notices shall state the time and place at which the governing body will meet to consider the abandonment of such road.

§ 33.1-159. Petition for abandonment.

Any person desiring to have any such road abandoned may petition the governing body therefor and shall file with it and in the clerk's office of the county a reasonably accurate plat and description of the section to be abandoned. The governing body may then proceed to have such road abandoned as above provided but the expenses thereof shall be borne by the petitioner.

§ 33.1-160. Petition for hearing on proposed abandonment.

Upon petition of one or more landowners in the county affected by such proposed abandonment filed with the governing body within thirty days after notice is posted and published, as aforesaid, but not thereafter, the governing body shall hold a public hearing in the county for the consideration of the proposal.

§ 33.1-161. Action of governing body.

If a petition be not filed as aforesaid for a public hearing, or if after a public hearing is held, the governing body is satisfied that no public necessity exists for the continuance of the section of road as a public road, or the crossing as a public crossing, or that the welfare of the public would be served best by abandoning the section of road or the crossing, as a public road or crossing, it shall enter (i) within four months next after the thirty days during which notice was posted where no petition for a public hearing was filed, or (ii) within four months next after the public hearing an order on its minutes abandoning the section of road as a public road or the crossing as a public crossing, and thereupon the section of road shall cease to be a public road or if the governing body be not so satisfied it shall enter within the specified four months an order dismissing the application.

§ 33.1-162. Appeal to circuit court.

Any one or more of the petitioners or the governing body, within thirty days from the entry of the action of the governing body on the proposal but not afterwards, may appeal from the action of the governing body to the circuit court of the county. Where the governing body fails to enter an order pursuant to § 33.1-161, such person or persons named in this section shall within thirty days from such nonentry, but not afterwards, have a right of appeal to the appropriate circuit court. Such appeals shall be by petition filed in the clerk's office of such court, setting out the action or inaction appealed from and the grounds for appeal. Upon the filing of such petition the clerk of the circuit court shall docket the appeal, giving it a preferred status, and if the appeal be by any of the landowners who filed a petition with the governing body for a public hearing, shall have notice of such appeal served upon the attorney for the Commonwealth and the governing body. No such appeal shall be tried by the court within ten days after notice is given, as hereinabove provided, unless such notice be waived. The circuit court shall hear the matter de novo with

further right of appeal as provided by the general law. The court may appoint viewers to make such investigation and findings as the court requires of them. Upon the hearing of the appeal, the court shall ascertain and by its order determine whether public necessity exists for the continuance of the section of road or the crossing as a public road or crossing, or whether the welfare of the public will be served best by abandoning the section of the road or the crossing as a public road or crossing and shall enter its order accordingly.

Upon any such appeal, if it shall appear to the court that by the abandonment of such section of road or such crossing as a public road or crossing any party to such appeal would be deprived of access to a public road, the court may cause the railway company and the governing body, or either, to be made parties to the proceedings, if not already parties, and may enter such orders as seem to it just and proper for keeping open such section of road or such crossing for the benefit of such party or parties as would by such abandonment be deprived of access to a public road.

§ 33.1-163. Effect of abandonment.

In case of the abandonment of any section of road or any railroad crossing under the provisions of this article, such section of road or such crossing shall cease to be a public road or crossing as the case may be. However, any such abandonment shall be subject to the rights of owners of any public utility installations which have been previously erected therein.

§ 33.1-163.1. Recordation of order of abandonment of roads or rail crossings by counties.

A certified copy of any order of abandonment of any road or rail crossing by any county adopted pursuant to Article 11 (§ 33.1-150 et seq.) or 12 (§ 33.1-156 et seq.) of this chapter shall be recorded and indexed in the deed book in the name of the county as grantor, where record title to the underlying fee is not known, in the office of the clerk of court in the county where such road or rail crossing is located in the name of the county entering such order.

§ 33.1-164. Alternative procedure for abandonment of old road or crossing to extent of alteration.

When any road or any road containing a railway-highway grade crossing has been or is altered and a new road, which serves the same citizens as the old road, is constructed in lieu thereof and approved by the governing body, the old road and/or the public crossing may be abandoned to the extent of such alteration, but no further, by a resolution of the board of supervisors or other governing body of the county, declaring the old road and/or the public crossing abandoned.

§ 33.1-165. Conveying sections of roads or other property no longer necessary.

When any road abandoned as above provided is deemed by the governing body no longer necessary for the public use, it shall so certify such facts upon its minutes and it may authorize the sale and conveyance in the name of the county a deed or deeds conveying such sections, either for a consideration or in exchange for other lands that may be necessary for the uses of the county. But before any such deed either for the sale or exchange of land is executed conveying any section of a road upon or along which any person or persons reside, notice shall be given by the governing body to the owner or owners of the land upon which such person or persons reside of the intention to convey the section of road and if, after a reasonable notice of such intention, any such landowner requests, a hearing shall be ordered by the governing body. If, upon such hearing, it is made to appear that such section of road should be kept open for the reasonable convenience of such landowner, or the public, then such section of road shall not be conveyed. The action of the governing body under this section shall not be subject to § 15.1-262.

§ 33.1-166. Certain abandonments validated.

All abandonments of roads sought to be effected before July 1, 1950, are hereby validated notwithstanding any defects or deficiencies in the proceedings provided the rights of third parties have not intervened.

§ 33.1-166.1. Alternative method of abandoning roads.

As an alternative to the procedure for abandonment prescribed by §§ 33.1-157 through 33.1-164, a road may be abandoned in accordance with the procedure for vacations in subsection (b) of § 15.1-482. All abandonments of roads sought to be effected according to subsection (b) of § 15.1-482 before July 1, 1990, are hereby validated notwithstanding any defects or deficiencies in the proceeding, provided that property rights which have vested subsequent to the attempted abandonment are not impaired by such validation. The manner of reversion shall not be affected by this section.

§ 33.1-176. Duty of owner or occupier of dam.

Every owner or occupier of a dam shall, so far as any state highway passes over the same, keep such dam in good order, at least twelve feet wide at the top, and also keep in good order the substructure of a bridge of like width over the pier heads, floodgates or any wastecut through or around the dam; provided, however, that when the above has been done, the superstructure of any such bridge shall be maintained by the Commonwealth Transportation Commissioner. The Commissioner shall inspect all such bridges and report to the owner in writing needed repairs. If such owner fails to comply with the provisions of this article, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined two dollars for every such failure of twenty-four hours. But if a milldam is carried away or destroyed by flood or any other extraordinary natural cause, the owner or occupier thereof shall not be subject to such fine until one month after any mill, operated in whole or in part by water impounded by such dam, has been put into operation by such waterpower.

§ 33.1-177. Duties of Commissioner.

The Commissioner may, at his own cost and expense, widen or strengthen any such dam or bridge to a width sufficient properly to provide for the traffic which uses that section of road of which such dam or bridge forms a part. The Commissioner shall maintain the road surface on such sections of road.

§ 33.1-179. Reconstruction if dam is washed out.

In case such a dam is washed out and the owner refuses to replace the same, the Commissioner, with or without the consent of such owner or occupier, may construct a highway across the same; but in case the owner desires to replace the dam and use the pond, he shall be permitted to do so by paying to the Commissioner one half of the cost and expenses of replacing the dam, up to a width of twelve feet at the top, and the difference between the cost, if any, of replacing the bridge normally required to carry the water of the stream and the cost of a bridge which includes floodgates and adequate spillway.

§ 33.1-181. Article applicable to county roads.

The foregoing sections of this article shall also apply to dams, and to the owners and occupiers thereof over which pass public roads which are not in the State Highway System or secondary system of state highways. As to any such dam and the owner or occupier thereof, the powers hereinabove in this article conferred and imposed upon the Commissioner shall be vested in and imposed upon the board of supervisors or other governing body of the county in which such dam is located.

§ 33.1-184. Evidence as to existence of a public road.

When a way has been worked by road officials as a public road and is used by the public as such, proof of these facts shall be prima facie evidence that the same is a public road. And when a way has been regularly or periodically worked by road officials as a public road and used by the public as such continuously for a period of twenty years, proof of these facts shall be conclusive evidence that the same is a public road. In all such cases the center of the general line of passage, conforming to the ancient landmarks where such exist, shall be presumed to be the center of the way and in the absence of proof to the contrary the width shall be presumed to be thirty feet.

Nothing herein contained shall be construed to convert into a public road a way of which the use by the public has been or is permissive and the work thereon by the road officials has been or is done under permission of the owner of the servient tenement.

§ 33.1-193. Closing highways for safety of public or proper completion of construction; injury to barriers, signs, etc.

If it shall appear to the Commissioner necessary for the safety of the traveling public or for proper completion of work which is being performed to close any road or highway coming under his jurisdiction to all traffic or any class of traffic, the Commissioner may close, or cause to be closed, the whole or any portion of such road or highway deemed necessary to be excluded from public travel and may exclude all or any class of traffic from such closed portion. While any such road or highway, or portion thereof, is so closed, or while any such road or highway, or portion thereof, is in process of construction or maintenance, the Commissioner or contractor, under authority from the Commissioner, may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion, is closed and may place warning signs, lights and lanterns on such road or highway, or portions thereof. When such road or highway is closed for the safety of the traveling public or in process of construction or maintenance, as provided in this section, any person who willfully breaks down, drives into new construction work, removes, injures or destroys any such barrier or barriers or obstructions, tears down, removes, or destroys any such

notices or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted or placed shall be guilty of a misdemeanor.

§ 33.1-201. Improving certain private roads and certain town streets and roads.

The Commonwealth Transportation Commissioner may, in his discretion, upon the request of the board of supervisors or other governing body of any county and at the expense of the owner of the land, improve private roads giving direct access from the home or other central buildings on the property along the shortest practical route to the nearest public highway; provided, however, that:

- (1) The Commissioner shall in no case undertake any such work until certification is made by the board of supervisors or other governing body that the property owner cannot secure the services of a private contractor to perform the work nor then until the owner has deposited with him a certified check in the amount estimated by the Commissioner as the cost of the work;
- (2) Not more than \$1,000 shall be expended on any one such private project in any one year;
- (3) No work of ordinary maintenance shall be done on any such private road under the provisions of this section.

And the Commissioner may, upon the request of the council of any town having a population of less than 1,500 and at the expense of such town, improve and maintain any streets or roads therein not in the State Highway System. As to streets and roads in such town, no certification by the board of supervisors or deposit shall be necessary.

Any work done by the Commissioner pursuant to the provisions of this section shall only be done with the equipment and employees of the Commonwealth Transportation Board.

§ 33.1-229. Continuance of powers of county authorities; alternative procedure.

The local road authorities shall continue to have the powers vested in them on June 20, 1932, for the establishment of new roads in their respective counties, which shall, upon such establishment, become parts of the secondary system of state highways within such counties. They shall likewise have the power to alter or change the location of any road now in the secondary system of state highways within such counties or which may hereafter become a part of the secondary system of state highways within such counties. The Commonwealth Transportation Commissioner shall be made a party to any proceeding before the local road authorities for the establishment of any such road or for the alteration or change of the location of any such road. When any such board or commission appointed by the board of supervisors or other governing body of a county to view a proposed road or to alter or change the location of an existing road shall award damages for the right-of-way for the same, in either case to be paid in money, it may be paid by the board of supervisors or other governing body of the county out of the general county levy funds. No expenditure by the Commonwealth shall be required upon any new road so established or any old road the location of which is altered or changed by the local road authorities, except as may be approved by the Commissioner. If the property sought to be taken is for the easement or right-of-way, the plat shall reasonably indicate thereon any appurtenant right-of-way or easement for ingress and egress to and from the principal easement or right-of-way being taken.

As an alternative to the method of establishing or relocating a road provided in the preceding paragraph, the Commissioner, by and with the approval of the Commonwealth Transportation Board and the board of supervisors or other governing body of a county shall have power and authority to make such changes in routes in, and additions to, the secondary system of state highways from time to time as the public safety or convenience may require.

The service of any process or notice in any such proceedings upon the district engineer of the Department of Transportation having the supervision of maintenance and construction of highways in any such county shall be termed sufficient service on the Commissioner.

5.0 Administrative Forms

All forms required to administer additions, discontinuances, and abandonments to the secondary system of state highways have been revised and/or updated. Additionally, two supplemental forms have been added: SR-4A and SR-5A.

All forms are provided for reference and may be used in lieu of the forms produced by the DACSS application.

5.0.1 DACSS – The Database for Administering Changes to the Secondary System

DACSS is a relational database application, based on Microsoft Access, and provides extensive project management capabilities designed to support the business processes associated with developing new streets and modifying the existing secondary system of state highways.

DACSS prints the entire document assembly of various forms required to report all changes to the secondary system as well as other documents a residency may find useful.